

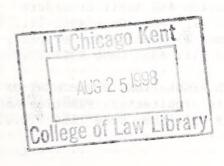
#### Illinois Register

#### Rules of Governmental Agencies

Volume 22, Issue 34—August 21, 1998

Pages 15,113 - 15,510

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George H. Ryan Secretary of State



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#### ISSUES INDEX I-1

Editor's Note: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

April	17,	1998	-	Issue	16:	Through	March	31,	1998	
July	17,	1998	-	Issue	29:	Through	June	30,	1998	
October	16,	1998	-	Issue	42:	Through	September	30,	1998	
January	15,	1999	-	Issue	3:	Through	December	31,	1998	(Annual)

#### **REGISTER PUBLICATION SCHEDULE 1998**

Material Rec'd before 4:30 p.m. on:	Will be in Issue #:	Published on:
July 13, 1998	30	July 24, 1998
July 20, 1998	31	July 31, 1998
July 28, 1998	32	Aug. 7, 1998
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Dec. 14, 1998	52	Dec. 28, 1998
Dec. 21, 1998	1	Jan. 4, 1999
Dec. 28, 1998	2	Jan. 8, 1999

<sup>\*</sup>Please note: If the state holiday falls on a Monday, the deadline will be 12 noon on Tuesday (the next day).

Printed by authority of the State of Illinois August 1998 - 740 - GA-97

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## ILLINOIS FARM DEVELOPMENT AUTHORITY

#### NOTICE OF PROPOSED AMENDMENTS

Heading of the Part: Illinois Farm Development Authority

1)

- 2) Code Citation: 8 Ill. Adm. Code 1400
- 3) Section Numbers: Proposed Action: 1400.146 Amendment Amendment 1400.147 Amendment 1400.148 Amendment Amendment 1400.149 Amendment
- 4) Statutory Authority: [20 ILCS 3605/7]
- 5) A Complete Description of the Subjects and Issues Involved: The changes are to incorporate Public Act 89-1880 and changes in Authority policies.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: All interested persons are invited to submit their written comments on the proposed action at any time during the first notice period to:

Laura A. Lanterman Chief Financial Officer Illinois Farm Development Authority 427 East Monroe Street, Suite 201 Springfield, Illinois 62701

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses affected: Farms and agribusinesses
- B) Reporting, bookkeeping or other procedures required for compliance: No new measures required.
- C) Types of professional skills necessary for compliance: No new skills required.

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## ILLINOIS FARM DEVELOPMENT AUTHORITY

#### NOTICE OF PROPOSED AMENDMENTS

13) Regulatory Agenda on which this rulemaking was summarized: The Authority did not anticipate this rulemaking when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments begins on the next page.

#### NOTICE OF PROPOSED AMENDMENTS

#### CHAPTER VII: ILLINOIS FARM DEVELOPMENT AUTHORITY AGRICULTURE AND ANIMALS TITLE 8:

#### ILLINOIS FARM DEVELOPMENT AUTHORITY PART 1400

													Down Program		Farmer Guarantee		Program for	d Livestock		Program for						
											rograms		Buy		Young Farm		Guarantee	Specialized		Guarantee						
f Office											111 Bond P	o Each	he Interest		to the		he State	to the		he State						
Definitions Composition, Appointment and Terms of Office	Officers	Executive Director	Meetings	Quorum	Reimbursement	Rules of Order	Records and Reports	Public Participation	Rulemaking Procedures	Purchasing Rules and Regulations	Rules and Guidelines Applicable to All Bond Programs	Bond Programs and Rules Applicable to Each	Rules and Guidelines Applicable to the	(Repealed)	Guidelines Applicable	Program	Rules and Guidelines Applicable to the State Guarantee	Rules and Guidelines Applicable	Guarantee Program	Rules and Guidelines Applicable to the State Guarantee	Agri-Industries	11	Principal Office	Revision	Construction; Waiver; Severability	A OIALP Regions (Repealed)
Section 1400.10 Def		1400.40 Exe	1400.50 Mee	1400.60 Que	1400.70 Re	1400.80 Ru	1400.90 Red	1400.100 Pul	1400,110 Ru	1400,120 Pu	1400.130 Ru	1400.140 Box	1400.145 Ru	(R	1400.146 Ru	Pr	1400.147 Ru	1400.148 Ru	n <sub>D</sub>	1400.149 Ru	Ag	1400.150 Seal	1400.160 Pr	1400.170 Re	1400.180 Co	ILLUSTRATION A

AUTHORITY: Implementing and authorized by the Illinois Farm Development Act [20 ILCS 3605] and by the Farm Credit Allocation Act [20 ILCS 3610].

a maximum of 150 days; amended at 8 Ill. Reg. 8489, effective May 31, 1984; emergency amendment at 9 111. Reg. 8186, effective May 16, 1985, for a maximum for a maximum of 150 days; adopted at 7 III. Reg. 242, effective December 22, 1982; emergency amendment at 8 III. Reg. 363, effective December 27, 1983, for of 150 days; amended at 9 Ill. Reg. 15493, effective October 1, 1985; emergency amendment at 9 III. Reg. 17879, effective October 31, 1985, for a maximum of 150 days; emergency expired March 21, 1986; emergency amendment at 10 III. Reg. SOURCE: Emergency rules adopted at 6 Ill. Reg. 9340, effective July 15, 1982,

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### ILLINOIS FARM DEVELOPMENT AUTHORITY

#### NOTICE OF PROPOSED AMENDMENTS

amendment at 10 Ill. Reg. 4599, effective February 28, 1986, for a maximum of effective June 9, 1986; amended at 11 Ill. Reg. 3862, effective February 27, Reg. 11219, effective June 20, 1988; amended at 13 Ill. Reg. 2440, effective February 10, 1989; amended at 13 Ill. Reg. 14376, effective August 30, 1989; amended at 17 III. Reg. 3618, effective March 5, 1993; amended at 17 III. Reg. 15808, effective September 10, 1993; amended at 19 III. Reg. 7582, effective May 26, 1995; amended at 22 III. Reg. 3467, effective January 30, 1998; amended of 150 days; emergency 150 days; emergency expired July 28, 1986; amended at 10 Ill. Reg. 11001, 1987; amended at 11 Ill. Reg. 9894, effective May 12, 1987; amended at 12 Ill. for a maximum , effective 2059, effective January 10, 1986, at 22 Ill. Reg.

# Section 1400.146 Rules and Guidelines Applicable to the Young Farmer Guarantee

- (YFG) is designed to enhance credit availability to younger farmers purchasing capital assets. Loan funds may be used for new machinery, refinance existing debt as needed to improve lien positions. The General Description of Program. The Young Farmer Guarantee Program equipment, breeding livestock, soil and water conservation projects, etc. In some cases, up to 50% of the loan proceeds may be purchases of capital assets such as land, buildings, provisions of this Section are applicable only to the YFG. who are a)
  - Definitions Applicable to the YFG. (q

"Applicant" means a farmer whose application for a Young Farmer Guarantee has been submitted to the Authority by a lender.

crops or feed on hand; livestock held for sale; breeding stock; cash; marketable receivable; notes receivable; cash invested in growing crops; net cash value of life insurance; machinery and equipment; cars and trucks; farm and other real estate including life estates and personal residence; value of beneficial interest in trusts; government payments or grants; capitalized leases; retirement accounts and all other bonds and securities; securities not readily marketable; "Asset" includes, but is not limited to, the following: assets. [20 ILCS 3605/2] "Debt to Asset Ratio" means total outstanding liabilities, including any debt to be financed or refinanced under this Section, divided by total outstanding assets. [20 ILCS 3605/12.4]

which is the State's fund to cover losses resulting from defaults on young farmer guarantee loans. [20 ILCS 3605/12.4] "Fund" means the Illinois Farmer and Agribusiness Loan Guarantee Fund,

"Gross Annual Income" means income as defined in Section 61 of the Internal Revenue Code (26 USC 0.500 61).

#### NOTICE OF PROPOSED AMENDMENTS

"Liability" includes, but is not limited to, the following: accounts payable; notes or other indebtedness owed to any source; taxes; rent; amounts owed on real estate contracts or real estate mortgages; judgments; accrued interest payable; indebtedness under capitalized leases; and all any other liabilities. [20 ILCS 3605/2]

"YFG Loan" means an installment note for which the State of Illinois shall be liable for 85% of the total principal and interest as determined by the Authority.

"Young Farmer" means a resident of Illinois who is at least 18 years of age, who is a principal operator of a farm or land, who derives or will derive at least 50% of gross annual income from farming, who has a net worth of not less than \$10,000 and whose debt to asset ratio is not less than 40%. [20 ILCS 3605/12.4]

- c) Bligible Farmers. To qualify for participation in the YFG, each farmer must:
- be at least 18 years of age and maintain his principal residence in the State [20 ILCS 3605/12.4];
- be the principal operator of a farm who derives or will derive at least 50% of annual gross income from farming [20 ILCS 3605/12.4];
- 3) have a debt to asset ratio of not less than 40% and not greater than 70% after purchase of the capital item and have a net worth of not less than \$10,000 [20 ILCS 3605/12.4];
- 4) demonstrate the ability to adequately service the proposed debt. If this ability is not adequately demonstrated, he can have a quarantor sign the note with him and/or pledge additional collateral for the loan;
- be provide sufficient collateral to secure the YFG loan and agree to keep it adequately collateralized in the future. All real estate and depreciable property which is to be used as collateral on a YFG loan must be evaluated by a qualified appraiser. All real estate appraisals must meet Federal regulatory requirements and meet the Uniform Standards of Professional Appraisal Practice of the Appraisal Foundation. Auctioneers and machinery and equipment dealers are qualified to appraise depreciable property. The applicant is liable for all appraisal fees connected with the YFG Loan;
  - 6) certify that all of his debts will be current at the time the YFG loan is closed. [20 ILCS 3605/12.4]
    - d) Limitations
- 1) YPG loans shall not exceed \$500,000 \$380,000 per young farmer. A young farmer may use this program more than once provided the aggregated principal amount of YFG loans to that young farmer does not exceed \$500,000\$ \$3809,900. [20 ILCS 3605/12.4]
  - 2) each YFG loan shall be set up on a payment schedule not to exceed

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## ILLINOIS FARM DEVELOPMENT AUTHORITY

#### NOTICE OF PROPOSED AMENDMENTS

30 years, but shall be no longer than 15 years in duration. [20 ILCS 3605/12.4] The payment schedule for the loan will be tailored to the applicant's collateral and cash flow. Real estate loans may be amortized up to 25 years with a 15 year balloon. Loans with depreciable property as collateral will be amortized over a shorter period.

- 3) The YFG loan can be fully or partially paid at any time while the loan is outstanding as long as the loan is held in the lender's portfolio and not sold into a secondary market. YFG loans may not be assumed.
  - e) Application Procedures and Review.
- Authority. The application shall at a minimum contain the young farmer's name, address, present credit and financial information, including cash flow statements, financial statements, balance sheets, and any other information pertinent to the application, and the collateral to be used to secure the State guarantee. [20 ILCS 3605/12.4] Applications shall be processed by the Authority on a first come, first served basis, based upon the receipt of all completed documents by the Authority.
- 2) Lenders shall certify that the application and any other documents submitted are true and correct. [20 ILCS 3605/12.4]
  - the þe to pay a closing fee of  $3 \neq 4 - 6$  1% of the YFG loan amount less the Authority shall receive 3/4% 1/2% and the lender shall receive application packet and closing documents. The 3/4-0f 1% closing lender shall charge no fees or points in addition to those outlined herein. The applicant shall be responsible for paying any fee or charge involved in recording mortgages, releases, financing statements, insurance for secondary market issues, and any other similar fee or charge that the Authority may require. Each applicant shall pay a \$300 application fee which will submitted to the Authority at the time of the application. the time the loan is closed, the applicant will be required Of this 3/4--of 1% closing fee, 1/4% to cover administrative expenses in completing fee may be included in the State Guarantee loan amount. \$300 application fee. [20 ILCS 3605/12.4] 3)
    - 4) When a State Guarantee application is submitted to the Authority, the Authority shall review the application to determine whether it is complete and whether it meets the criteria established by the Act and this Section. When the Authority has completed the review of the Guarantee application, the application shall be presented, along with a statement of recommended action, to the Board for review at its next regularly scheduled meeting. The review shall include whether the applicant and lender are in compliance with the requirements of the program. The review shall also include an evaluation of collateral, percentage of loan, debt to asset ratio, cash flow, etc.

## ILLINOIS FARM DEVELOPMENT AUTHORITY

#### NOTICE OF PROPOSED AMENDMENTS

- 5) The Board shall approve the application and provide the Guarantee, pursuant to the Act and this Section; or, deny the application and serve upon the lender and applicant a written statement of the grounds for the denial.
- 6) If the application is denied, the applicant and the lender may request reconsideration stating reasons why the Board should withdraw its denial of the application and approve the State Guarantee. The request should be accompanied by supporting documents and/or information not previously considered by the Board. The Board shall review the request at its next scheduled meeting, and shall either approve or deny the application. A denial of a request for reconsideration shall be final.
- Upon approval of an application and receipt of the documentation necessary to prepare loan closing documents, a YFG Loan Closing Documents package, which contains all the appropriate forms and documents to execute, shall be prepared by the Authority and sent to the lender. Upon completion of all such forms and documents by the applicant, lender and Authority and satisfaction of all loan closing requirements, the YFG loan quarantee will be considered in force.
  - guarantee will be considered in losce.

    f) Provision or Renewal of State Guarantees. The Authority shall provide or renew a State Guarantee to any lender if, in addition to meeting the other criteria described in the Act and this Section, the lender:
- 1) charges a fixed or adjustable interest rate that the Authority determines to be below the market rate of interest generally available to the borrower. If both the lender and applicant agree, the interest rate on the YFG loan can be converted to a fixed interest rate at any time during the term of the loan [20] ILCS 3605/12.4];
- 2) pays a fee equal to 25 basis points on the loan to the Authority on annual basis [20 ILCS 3605/12.4];
- 3) agrees to complete and certify that, to the best of the lender's knowledge, all information is true and correct on the application, balance sheets, security analysis, cash flow projection and any other documents that the Authority may request [20 ILCS 3605/12.4];
  - 4) identifies collateral acceptable to the Authority in accordance with subsection (h) that is at least equal to the State Guarantee loan request [20 ILCS 3605/12.4];
- 5) assumes all responsibility and costs for pursuing legal action on collecting any loan that is delinquent or in default subject to consulting the Authority [20 ILCS 3605/12.4];
  - is at risk for the first 15% of the outstanding principal of the note for which the State Guarantee is provided [20 ILCS 3605/12.4];
- 7) assumes responsibility for the timely collection and disposition of collateral on a YFG loan that is in default; provided, however, that the lender shall not collect or dispose of

## ILLINOIS FARM DEVELOPMENT AUTHORITY

#### NOTICE OF PROPOSED AMENDMENTS

collateral on the YFG loan without the express written prior approval of the Authority. Approval shall be granted if the collateral is disposed of in a commercial manner, which nets an amount closely approximating the value of the collateral;

- and the pe prorated basis; 85% of such excess funds shall be allocated to the of lender, then the State and lender shall be repaid interest on a the State's portion and 15% shall be allocated to the lender's collateral for the YFG loan. After the sale of collateral, If funds from the sale reimbursed its 15% of the principal balance at default. collateral remain after this payment, the lender shall agrees that the Authority has final approval on the sale of State shall be reimbursed its 85% guaranteed portion of excess funds remain after paying the principal to the State principal balance at default. portion. 8
  - g) The YFG loan shall be subject to an annual review and renewal by the lender and the Authority [20 ILCS 3605/12.4] for adequacy of collateral and performance by the applicant. The applicant is required to provide the lender with a current financial statement annually.
    - 1) If it is determined that there is not sufficient collateral to adequately secure the YFG loan, additional collateral may be required. If the applicant is unwilling or unable to pledge additional collateral, the YFG loan may be called due and payable.
      - 2) If a YFG loan is going to be called for any reason, written notice which specifies the reasons for said action must be served to all parties (IFDA, lender, and borrower) not less than 90 days prior to call of the loan.
- date shall render the loan delinquent. Notice of this delinquents shall render the loan delinquent. Notice of this delinquency shall immediately be sent to all parties. If the loan remains delinquent for a period of 90 days, the total outstanding principal and interest shall become due and payable immediately on the entire YEG loan. The YEG loan cannot be reinstated after the 90-day delinquency period.
- h) In the event of default that is not cured within 90 days or in the event a loan is called for any reason, the Authority shall make payment of the guaranteed portion of the YFG loan to the holder of the guarantee. This payment shall be equal to the sum of:
  - 1) 85% of the principal balance as of the date of default or date of call less any proceeds received from sales of collateral;
    - 2) 85% of the interest balance as of the date of default or call;
- 3) 85% of the interest accrued from the date of default or call until the date payment is made up to a maximum of 120 days.
- The Illinois Farmer and Agribusiness Loan Guarantee Fund shall be used to secure State guarantee on YFG loans. [20 ILCS 3605/12.4]

#### NOTICE OF PROPOSED AMENDMENTS

- The Authority shall guarantee up to \$50,000,000 \$3578987898 in loans through the State Livestock Guarantee Program (SLP), YFG funded with \$15,000,000 \$10,000,000 to cover any losses under Illinois Farmer and Agribusiness Loan Guarantee Fund shall and State Guarantee Program for Agri-Industries (SGPAI). these programs. 1)
- guarantee The Authority shall direct payments from this fund to holders as described in subsection (h) above. 2)
- Monies returned to the State on the disposition of collateral as described in subsection (f) above shall be deposited to this 3)

effective Reg. 111. 22 at Amended (Source:

#### Guarantee State the Guidelines Applicable to Program for Restructuring Agricultural Debt and Rules Section 1400.147

- caused by high interest rates and low commodity prices with a debt restructuring schedule to consolidate and spread out existing debt over a longer term at a reduced interest rate so that provisions of this Section 1400.147 of this Part are applicable only of General Description of Program. The State Guarantee Program ("SGP") financial inapplicable to the SGP and procedures provided for to the SGP, and the provisions of Sections 1400.130 and 1400.140 farmers will be able to continue existing farming operations. to provide farmers who are experiencing. pursuant to this Section. are is intended difficulties this Part a)
  - Definitions Applicable to the SGP only. (q

"Applicant" means a farmer whose application for a State Guarantee has been submitted to the Authority by a lender. "Asset" includes, but is not limited to, the following: crops or feed on hand; livestock held for sale; breeding stock; cash; marketable bonds and securities; securities not readily marketable; accounts receivable; notes receivable; cash invested in growing crops; net cash value of life insurance; machinery and equipment; cars and trucks; value of beneficial interests in trusts; government payments or farm and other real estate including life estates, personal residence, grants; capitalized leases; retirement accounts; and all property and assets. on the date of the application for any means "Current Outstanding" State Guarantee.

Status" means the absence of any arrearages in any previously incurred debt for which a State Guarantee is sought. "Current

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## ILLINOIS FARM DEVELOPMENT AUTHORITY

#### NOTICE OF PROPOSED AMENDMENTS

[20 'Debt to Asset Ratio" means the current outstanding liabilities of the farmer. farmer divided by the current outstanding assets of ILCS 3605/12.1]

"Farmer" means a resident of Illinois, who is a principal operator of a farm or land, at least 50% of whose gross annual income is derived except in those cases where the applicant has previously used the Guarantee Program there shall be no debt to asset ratio or income from farming and whose debt to asset ratio shall not be less than 40%, restriction. [20 ILCS 3605/12.1]

"Fund" means the Illinois Agricultural Loan Guarantee Fund, which is the State's fund to cover losses resulting from defaults on State Guarantee loans. [20 ILCS 3605/12.1] 'Gross Annual Income" means income as defined in Section 61 of the Internal Revenue Code (26 USC 0.5-6: 61). "Liability" includes, but is not limited to, the following: accounts payable; notes or other indebtedness owed to any source; taxes; rent; real estate mortgages; payable; indebtedness under capitalized leases; and all other liabilities. [20 ILCS 3605/2] amounts owed on real estate contracts or indgments; accrued interest

be liable for 85% of the total principal and interest of the note as "State Guarantee" means a note for which the State of Illinois determined by the Authority.

- each SGP, the in participation for To qualify Eligible Farmers. farmer must: c)
- maintain his principal residence in the State;
- the principal operator of the farming business for which the be at least 18 years of age at the time of application; pe
  - funds guaranteed by the SGP are contemplated to be used;
- Tax Return and current data, that at least 50% of his/her annual be able to show, based upon his/her most recent Federal Income the loan farming, unless renewal of an existing quarantee; gross income is derived from 4)
- have a debt to asset ratio of not less than 40% and not greater than 65%, unless the loan is a renewal of an existing guarantee; 2)
- provide sufficient collateral to secure the State Guarantee and agree to keep the State Guarantee adequately collateralized in the future; (9
- Guarantee State to consolidate and restructure existing farming debts. certify and agree that he/she will only use the 7
  - Limitations. q
  - No State Guarantee shall exceed \$500,000 \$3θθτθθθ per farmer or farming operation. [20 ILCS 3605/12.1]

#### NOTICE OF PROPOSED AMENDMENTS

- Each State Guarantee shall be set up on a payment schedule not to exceed 30 years, and but shall be no longer than  $30 \pm \theta$  years in duration. [20 ILCS 3605/12.1]
- 3) Only one State Guarantee shall be outstanding per farmer at any one time. [20 ILCS 3605/12.1]
  - 4) Only one State Guarantee shall be outstanding at any one time for any one farming operation. If applicants file separate Schedule Fts for their Federal Income Tax Returns, then they will be considered to operate separate farming operations.
- e) Application Procedures and Review.

  1) Lenders interested in the SGP must complete a Letter of Interest and return it to the Authority's office in Springfield, Illinois. After the Letter of Interest has been received by the Authority,
- the lender will be placed on the mailing list for the SGP.

  2) The lenders shall apply for State Guarantees on forms approved and provided by the Authority. The application shall, at a minimum, contain the farmer's name, address, present credit and financial information, including cash flow statements, financial statements, balance sheets, and any other information pertinent to the State Guarantee. [20 ILCS 3605/12.1]
  - 3) After approval of the application and receipt of the documentation necessary prior to closing the loan, the Authority shall send a State Guarantee Closing Documents package to the lender containing all the appropriate forms and documents to execute. Upon completion of all such forms and documents to applicant, lender and Authority, the State Guarantee loan will be considered closed.
    - 4) The lender shall certify that all the information contained on the application and other submitted documents is correct, and shall be liable to the Authority for any damages suffered by any incorrect or untrue statement contained in any certified application.
- 5) The application period for the SGP shall commence immediately upon the determination that these Rules are properly filed with the office of the Secretary of State, and end when the Authority has issued State Guarantees equal to \$160,000,000 or at any later time as may be set from time to time by legislative extension.
- the Authority shall review the application by the lender, the Authority shall review the application. The Authority's review shall include, but will not be limited to, whether the applicant is an eligible farmer and whether the lender has complied with the requirements of subsection (f) of this Section. The Authority will base its evaluation on collateral, percentage of loan, debt to asset ratio, cash flow, etc.
- 7) When a State Guarantee application is submitted to the Authority, the Executive Director shall review the application to determine whether it is complete and whether it meets the criteria established by the Act and this Part:

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## ILLINOIS FARM DEVELOPMENT AUTHORITY

- no OL material that is necessary to complete the application. For Or Executive Director determines that the loan such determination, inform the lender and the applicant of subsection (j) of this Section, application shall be deemed complete until the lender provided the additional information determination, and detail the information application is incomplete, he or she shall, within material requested by the Executive Director. has the purposes applicant such A)
  - B) When the Executive Director has completed his or her review of the Guarantee application, he or she shall present the application, with a statement of recommended action to the Board at its next regularly scheduled meeting. The Executive Director will base the review on collateral, percentage of loan, debt to asset ratio, cash flow, etc.
    - 8) The Board shall review each loan application presented by the Executive Director in accordance with the provision of the Act and this Part, and the Board shall:
- A) approve the application and provide the Guarantee, pursuant to the Act and this Part; or

  B) deny the application and serve upon the lender and applicant
- B) deny the application and serve upon the lender and applicant a written statement of the grounds of the denial.
  - which may be used to pay for administrative expenses incurred by The applicant shall be responsible for paying any fees or charges Each applicant shall pay a \$300 application fee which will be submitted to the lender at the time of the application. At the time the loan is made, the applicant may be required to pay a the lender and the Authority. Of this 3/4 of 1% closing fee, the Authority shall receive 1/2% to cover administrative and legal administrative expenses in completing the application packet and closing documents. The 3/4 of 1% closing fee may be included in the State Guarantee Loan amount. The Authority shall credit the \$300 application fee against the closing fee. The lender shall charge no fees or points in addition to those outlined herein. insurance for secondary market issues and any similar fees necessary for closing and maintaining the State Guarantee or closing fee not greater than 3/4 of 1% of the State Guarantee involved in recording mortgages, releases, financing statements, 1/4% to selling into the secondary market. [20 ILCS 3605/12.1] expenses and the lender shall receive 6
- file a Request for Reconsideration stating reasons why the Board should withdraw its denial of the application and approve the State Guarantee. This Request for Reconsideration must be filed with the Authority not later than 21 days after such denial. The Request for Reconsideration should be accompanied by supporting documents and/or information not previously considered by the Board. The Board shall review the Request for Reconsideration at

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establish eligibility, the Request will be granted. A denial of a Request for Reconsideration shall be final. While a Request for Reconsideration is pending, the application shall be deemed and shall either approve the applicant will have the opportunity to present new relevant facts on his previous denial to the Board, and if such facts will complete for the purposes of subsection (j) of this Section. or deny the Request for Reconsideration. scheduled meeting, application

Provision or Renewal of State Guarantees. The Authority shall provide or renew a State Guarantee to any lender if, in addition to meeting the other criteria described in the Act and this Part, the lender: £)

agrees to bring the farmer's debt to a current status at the time the State Guarantee is provided; [20 ILCS 3605/12.1] 7

Charges a fixed or adjustable interest rate which is below the market rate of interest is that rate which would be charged by market rate of interest generally available to the borrower. 2)

the same lender for the same project without the State Guarantee. If both the lender and the applicant agree, the interest rate on the State Guarantee loan can be converted to a fixed interest rate at any time during the term of the loan; [20 ILCS 3605/12.1] agrees to pay to the Authority an annual fee equal to 25 basis 3)

on the loan and any other necessary and ordinary administrative expenses in excess of the 25 basis points as

points

balance sheets, security analysis, cash flow projection and any other documents that the Authority may to complete and certify that, to the best of the lender's determined from time to time pursuant to the Act and this Part; uo correct and knowledge, all information is true request; [20 ILCS 3605/12.1] application, agrees 4)

identifies collateral acceptable to the Authority in accordance with subsection (h) that is at least equal to the State guarantee loan request; [20 ILCS 3605/12.1] 2)

assumes all responsibility and costs for pursuing legal action on collecting any loan that is delinquent or in default subject to consulting the Authority; [20 ILCS 3605/12.1] (9

for which the State Guarantee is provided; [20 ILCS is at risk for the first 15% of the outstanding principal of 3605/12.1] note 7

disposing of collateral on the State Guarantee within 14 months commercial manner, based on the manner, time and place of the sale, the purchase price and the purchaser. In the event that assumes responsibility for proceeding with the collecting and not collect or dispose of collateral on the State Guarantee without the express written prior approval of the Authority. [20 ILCS 3605/12.1] Approval shall be granted if the collateral is disposed of in a reasonably the lender fails to dispose of the collateral within 14 months, of the date that the loan is declared delinguent; provided, that the lender shall 8

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OF from the lender shall repay to the State interest on the State Suarantee equal to the same rate which the lender charges on the however, that the Authority shall extend the liquidating the collateral. The lender shall repay this interest to the State until the collateral for the State Guarantee has been liquidated and the State has been reimbursed. [20 ILCS 3605/12.1] If the lender fails to repay the State the interest as outlined herein, the Authority shall turn the matter over to the 14-month period for a lender in the case of bankruptcy the lender Attorney General's office for appropriate legal action; prevent which circumstances provided, extenuating

principal amount of the State Guarantee loan. If the funds from shall be reimbursed 15% of the remaining principal amount of the remain after paying the remaining agrees that the Authority has final approval on the sale of all of collateral, the State shall be reimbursed 85% of the remaining the sale of collateral remain after this payment, the lender principal to the State and lender, then the State and lender be repaid interest on a prorated basis; 85% of such excess funds shall be allocated to the State's portion and 15% shall be allocated to the lender's portion. If excess funds exist after repaying both the State and the lender, they shall be paid back the sale collateral for the State Guarantee. After to the farmer. [20 ILCS 3605/12.1] excess funds loan. 6

Annual Review. g)

limited to, present collateral value; timeliness of payments made by the farmer or any other purposes reasonably calculated to aid the farmer's present and projected repayment additional collateral may be required. If the applicant fails to review State Guarantees for any purpose including, but not collateral is insufficient to cover the State's liability, pledge such additional collateral, the State Guarantee loan may 1) The lender and the Authority shall each, on an annual basis, that the the Authority determines ΙĘ in determining be called.

In those cases where the borrower has not previously used the lender or Authority during the first 3 years of the date on which the application is closed for any reason except defaults on be called payments or insufficient collateral. [20 ILCS 3605/12.1] guarantee program, no State Guarantee shall 2)

Except as otherwise provided in the Act or this Part, a State Guarantee may be called by the lender or Authority upon a 90-day call (e.g., submission of false documentation, changing loan written notice to all parties specifying the reasons for documents, and change of state residency). 3)

The lender can review and withdraw or continue with the State Guarantee on an annual basis after the first three years of the to all parties has loan provided a 90 day notice, in writing, 4)

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Such notification must be provided on or before the date on which payment is due.. [20 ILCS 3605/12.1]

payments on or before their due date shall render the loan delinquent. Notice of this delinquency shall immediately be sent The applicant must make all payments on the State Guarantee within 90 days of the stated payment date. Failure to make to all parties. If the loan remains delinguent for a period of become due and payable immediately on the entire State Guarantee The State Guarantee cannot be reinstated after the 90-day 90 days, the total outstanding principal and interest shall 2

delinquency period.

view real estate as the primary collateral on SGP loans, with machinery and equipment and breeding livestock to be used as secondary Valuation of Collateral. The value of collateral shall be determined or one whose qualifications have been The Authority shall have final authority State's liability. Collateral may be transferred only upon written by a qualified farmland appraiser. A qualified appraiser is one who qualified by virtue of membership in the Illinois Society of Farm to determine whether the collateral is sufficient to cover the State's liability and may appoint an independent appraiser to aid in its value may be reviewed each year by the lender or an independent The Authority may, among other things, take a mortgage or lien on land or other assets to cover the The Authority will collateral, except where no real estate is available. Collateral determination on the sufficiency of collateral. approval by the Authority and the lender. appraiser appointed by the Authority. Managers and Appraisers, reviewed by the Authority. h (

Fund. To implement and carry out the objectives of the SGPAI, the Fund has been created as a special Fund outside of the State Treasury. j.)

The Authority is authorized to transfer no more than \$45,000,000 to secure State Guarantees issued pursuant to this Section. Any amounts transferred from the Illinois Agricultural Loan Guarantee determining if the maximum of \$45,000,000 has been transferred Fund to the General Revenue Fund under powers granted to the into the Illinois Agricultural Loan Guarantee Fund. [20 ILCS to the Fund during the duration of the State Guarantee program, by Public Act 87-14 shall not be considered

The State shall not be liable for more than \$45,000,000 to secure [20 ILCS State Guarantees issued pursuant to this Section. 2)

All payments by the Authority shall be made from the Illinois Agricultural Loan Guarantee Fund to satisfy claims against the State Guarantee. The Illinois Agricultural Loan Guarantee Fund shall guarantee receipt of payment of the 85% of the principal and interest owed on the In the event of default by the farmer, the lender shall be entitled to, and the Authority shall direct payment on, the State Guarantee after 90 days of delinguency. 3)

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ILCS 3605/12.1] In no event shall the interest amount guaranteed by the Authority include interest accruing beyond 120 days from State Guarantee loan by the farmer to the guarantee holder. [20 the date of default.

The Fund shall be reimbursed for any amount paid under this subsection (i) upon liquidation of collateral which the lender shall seize and convert to cash in a reasonably commercial manner. [20 ILCS 3605/12.1] 4)

Authority on a first come, first served basis, based upon the receipt processed by Priority of Applications. Applications shall be of all completed documents by the Authority. j)

additional collateral for the State Guarantee Loan if the lender and An applicant for a State Loan may have a guarantor co-sign the note and/or pledge Authority determine that the applicant alone cannot provide sufficient Guarantors and Additional Collateral. collateral for the State Guarantee. Guarantee ×

In the event of default, the Authority shall make payment on the State Guarantee of 85% of the outstanding principal and interest owed on the State Guarantee Loan to the holder of the State Guarantee. The payment shall be made by the Authority to the holder of the State Guarantee within 30 days after an appropriate request by a lender certifying that the 90-day delinquency period has elapsed. The payment shall include 85% of past due interest and of the remaining principal. The State Guarantee. 7

Each loan shall be paid at least on an annual basis with one payment due each year on the date on which the loan was whichever occurs first. The State Guarantee Loan may be prepaid in closed for a period of ten years or until the loan is repayed, full or in part at any time the loan is outstanding without penalty. Prepayment of Loans. (E

authorization will be granted only in extraordinary cases (e.g., death or serious illness of the applicant with assumption by an immediate Assumption of Loans. No State Guarantee loan may be assumed by specifically authorized by the Authority. entity unless п (

family member).

\$160,000,000 through the SGP. The Illinois Agriculture Loan Guarantee The Authority shall outstanding guarantees in an aggregate principal amount up Fund shall be funded with \$45,000,000 to cover any losses. Obligations through the SGP. Total 0

effective Reg. 111. 22 at (Source: Amended Guarantee Program

Section 1400.148 Rules and Guidelines Applicable to the Specialized Livestock

Program (SLP) is designed to enhance opportunities for many Illinois farmers who want to position themselves for success in the changing Description of Program. The Specialized Livestock Guarantee General a)

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livestock industry. This program targets specialized, family sized livestock operations, including swine and dairy and beef cattle operations. Loan funds may be used primarily for construction, purchase, and/or remodeling of facilities, and also for purchases of equipment and breeding livestock. The provisions of this Section are applicable only to the SLP.

b) Definitions applicable to the SLP.

"Applicant" means a farmer whose application for a Specialized Livestock Guarantee has been submitted to the Authority by a lender.

"Asset" includes, but is not limited to, the following: crops or feed on hand; livestock held for sale; breeding stock; cash; marketable bonds and securities; securities not readily marketable; accounts receivable; notes receivable; cash invested in growing crops; net cash value of life insurance; machinery and equipment; cars and trucks; farm and other real estate including life estates and personal residence; value of beneficial interest in trusts; government payments or grants; capitalized leases; retirement accounts; and any other assets.

"Debt to Asset Ratio" means total outstanding liabilities, including any debt to be financed or refinanced under this Section, divided by total assets.

"Fund" means the Illinois Farmer and Agribusiness Loan Guarantee Fund, which is the State's fund to cover losses resulting from defaults on Specialized Livestock Guarantee loans.

"Liability" includes, but is not limited to, the following: accounts payable; notes or other indebtedness owed to any source; taxes; rent; amounts owed on real estate contracts or real estate mortgages; judgments accrued; interest payable; indebtedness under capitalized leases; and any other liability.

"SLP Loan" means an installment note for which the State of Illinois shall be liable for 85% of the total principal and interest as determined by the Authority.

applicant must:

1) be a resident of the State of Illinois. In the case of entities
other than sole proprietorships, the owners of such entity must

c) Eligible Farmers. To qualify for participation in the SLP, the

- be Illinois residents.
  2) be the principal operator and/or materially involved in the operation.
  - 3) have adequate cash flow and collateral.

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- certify to the Authority that, at the time the State Guarantee is provided, the borrower will not be delinguent in the repayment of any debt. [20 ILCS 3605/12.5]
- d) Limitations
- ) SLP loans shall not exceed \$1,000,000 per applicant. An applicant may use this program more than once, provided the aggregated principal of SLP loans to that applicant does not exceed \$1,000,000. [20 ILCS 3605/12.5]
- Each SLP loan shall be no longer than 15 years in duration. [20 ILCS 3605/12.5] The payment schedule for the loan will be tailored to the applicant's collateral and cash flow.
- 3) The SLP Loan can be fully or partially paid at any time while the loan is outstanding as long as the loan is held in the lender's portfolio and not sold into a secondary market. SLP Loans may not be assumed.
- e) Application Procedures and Review.
- Lenders shall apply for the State Guarantees on forms provided by the Authority and certify that the application and any other documents submitted are true and correct. The application shall, at a minimum, contain the farmer's name, address, present credit and financial information, including cash flow statements, financial statements, balance sheets, and any other information pertinent to the application, and the collateral to be used to secure the State Guarantee. [20 ILCS 3605/12.5] Applications shall be processed by the Authority on a first come, first served basis, based upon the receipt of all completed documents by the Authority.
- Each applicant shall pay a \$300 application fee which will be pay a closing fee of 1% of the SLP Loan amount less the \$300 cover Or be responsible for paying any fee or charge involved in recording insurance for secondary market issues, and any other similar fee or charge that application fee. Of this 1% closing fee, the Authority shall administrative expenses in completing the application packet and closing documents. The 1% closing fee may be included in the points in addition to those outlined herein. The applicant shall submitted to the Authority at the time of the application. State Guarantee Loan amount. The lender shall charge no fees the time the loan is closed, the applicant will be required receive 3/4% and the lender shall receive 1/4% to statements, the Authority may require. [20 ILCS 3605/12.5] financing releases, 2)
- 3) The <u>lender bender must agree to charge a fixed or adjustable</u> interest rate that the Authority determines to be below the market rate of interest generally available to the borrower. If both the lender and applicant agree, the interest rate on the State guaranteed loan can be converted to a fixed interest rate at any time during the term of the loan. [20 ILCS 3605/12.5]
  - at any time during the term of the loan: [20 inco 2002/12:3] When a State Guarantee application is submitted to the Authority,

4)

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the Authority shall review the application to determine whether it is complete and whether it meets the criteria established by the Act and this Section. When the Authority has completed the review of the Guarantee application, the application shall be presented, along with a statement of recommended action, to the Board for review at its next regularly scheduled meeting. The review shall include whether the applicant and lender are in compliance with the requirements of the program. The review shall also include an evaluation of collateral, percentage of loan, debt to asset ratio, cash flow, etc.

5) The Board shall approve the application and provide the Guarantee, pursuant to the Act and this Section; or, deny the application and serve upon the lender and applicant a written statement of the grounds for the denial.

Statement of the grounds for the denial.

6) If the application is denied, the applicant and the lender may request reconsideration stating reasons why the Board should withdraw its denial of the application and approve the State Guarantee. The request should be accompanied by supporting documents and/or information not previously considered by the

Guarantee. The request should be accompanied by supporting documents and/or information not previously considered by the Board. The Board shall review the request at its next scheduled meeting, and shall either approve or deny the application. A denial of a request for reconsideration shall be final.

7) Upon approval of an application and receipt of the documentation

Upon approval of an application and receipt of the documentation necessary to prepare loan closing documents, an SLP Loan Closing Documents package, which contains all the appropriate forms and documents to execute, shall be prepared by the Authority and sent to the lender. Upon completion of all such forms and documents by the applicant, lender and Authority and after satisfaction of all loan closing requirements, the SLP Loan guarantee will be considered in force.

f) Provision of Renewal of State Guarantees. The Authority shall provide or renew a State Guarantee to any <u>lender bender</u> if:

 the lender pays a fee equal to 25 basis points on the loan to the Authority on an annual basis [20 ILCS 3605/12.5];

2) the applicant provides collateral acceptable to the Authority that is at least equal to the State Guarantee [20 ILCS 3605/12.5];

3) The Lender must certify that, to the best of the <u>lender's</u> bender+s knowledge, all information is true and correct on the application, balance sheets, security analysis, cash flow projection and any other documents submitted;

4) the <u>lender</u> bender assumes all responsibility and costs for pursuing legal action on collecting any loan that is delinquent or in default [20 ILCS 3605/12.5];

5) the <u>lender bender</u> is at risk for the first 15% of the outstanding principal of the note for which the State Guarantee is provided [20 ILCS 3605/12.5];

6) the lender bender must certify that, to the best of the lender's

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bender\*s knowledge, all information is true and correct on the application, balance sheets, security analysis, cash flow projection and any other documents submitted;

the lender bender assumes responsibility for the timely collection and disposition of collateral on an SLP Loan that is in default; provided, however, that the lender bender shall not collect or dispose of collateral on the SLP loan without the express written prior approval of the Authority. Approval shall be granted if the collateral is disposed of in a commercial manner, which nets an amount closely approximating the value of the collateral;

b) the <a href="Lender">Lender</a> agrees that the Authority has final approval on the sale of all collateral for the SLP loan. After the sale of collateral, the State shall be reimbursed its 85% guaranteed portion of the principal balance atd default. If funds from the sale of collateral remain after this payment, the lender bender shall be reimbursed its 15% of the principal balance at default. If excess funds remain after paying the principal to the State and lender bender shall be repaid interest on a prorated basis; 85% of such excess funds shall be allocated to the State's portion and 15% shall be allocated to the <a href="Index">Index</a> shall be allocated to the <a href="Index">Index</a> index</a> shall be allocated to the <a href="Index">Index</a> index</a> shall be allocated to the <a href="Index">Index</a> index</a> shall be

g) The SID Loan shall be reviewed annually by the <u>lender</u> and IFDA for adequacy of collaboration and performance by the applicant. The applicant is required to provide the <u>lender</u> bender with a current financial statement annually.

1) If it is determined that there is not sufficient collateral to adequately secure the SLP Loan, additional collateral may be required. If the applicant is unwilling or unable to pledge additional collateral, the SLP Loan may be called due and payable.

2) If an SLP Loan is going to be called for any reason, written notice which specifies the reasons for said action must be served to all parties (IFDA, lender bender, and borrower) not less than 90 days prior to call of the loan.

3) Failure of the applicant to make any payment on or before its due date shall render the loan delinquent. Notice of this delinquency shall immediately be sent to all parties. If the loan remains delinquent for a period of 90 days, the total outstanding principal and interest shall become due and payable immediately on the entire SLP Loan. The SLP Loan cannot be reinstated after the 90-day delinquency period.

h) In the event of default that is not cured within 90 days or in the event a loan is called for any reason, the Authority shall make payment of the guaranteed portion of the SLP Loan to the holder of the guarantee. This payment shall be equal to the sum of:

 85% of the principal balance as of the date of default or date of call less any proceeds received from sales of collateral;

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- the interest balance as of the date of default or call; of 2)
  - until the date payment is made, up to a maximum of 120 days. 85% of the interest accrued from the date of default 3
- The Illinois Farmer and Agribusiness Loan Guarantee Fund shall be used to secure State guarantees on SLP Loans. [20 ILCS 3605/12.5] 1) The Authority shall guarantee up to  $\underline{\$50,000,000}$  \$9570 į.
  - guarantee up to \$50,000,000 \$3570007000 in loans through the SLP, YFG and SGPAI. The Illinois Farmer and Agribusiness Loan Guarantee Fund shall be funded with \$15,000,000 \$107000 to cover any losses under these programs.
    - The Authority shall direct payments from this fund to guarantee holders as described in subsection (h) above. 3) 2)
- described in subsection (f) above shall be deposited to this Monies returned to the State on the disposition of collateral as

#### effective Reg. 111. 22 at (Source: Amended

#### State Guarantee Guidelines Applicable to the 1400.149 Rules and Program for Agri-Industries Section

- Agri-Industries (SGPAI) was created to encourage diversification and term -- at--a-reduced interest-rate. The provisions of this Section are inapplicable to the SGPAI and procedures provided for pursuant to this The State Guarantee Program for Et--is--designed--to assist-the-farmer/agribusiness-by-spreading-out-his-debt-over-a-longer applicable only to the SGPA1, and the provisions of Sections 1400.130, this Part οĘ vertical integration of Illinois agriculture. 1400.140, 1400.145, 1400.147 and 1400.148 General Description of Program. Section. a)
- Definitions Applicable to the SGPAI Only. ( q

operates or will operate a facility located within the State of Illinois that is related to the processing of agricultural commodities without limitation, the products of agriculture, and silviculture) or the manufacturing, production or implements, and supplies, or any other facilities or processes used in agricultural production. (Fff:-Rev:-Stat:-1991,-ch:-5,-par:-1202) [20 "Agribusiness" means any sole proprietorship, limited partnership, cooperative buildings, structures, corporation or (including, without limitation, co-partnership, joint venture, construction of agricultural hydroponics TCS 3605/2]

'Applicant" means a farmer/agribusiness whose application for a State Guarantee has been submitted to the Authority by a lender. "Farmer" means a resident of Illinois who is a principal operator of

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commodities or livestock exceeds \$20,000 and whose net worth does not exceed \$500,000. {###:-Rev:-Stat:-199#;-5h:-5;-par:-1242:2} [20 ILCS farm or land, at least 50% of whose annual gross income is derived from farming, whose annual total sales of agricultural products, 3605/12.2]

"Fund" means the Illinois Farmer and Agribusiness Loan Guarantee Fund, which is the State's fund to cover losses resulting from defaults on SGPAI loans. "Gross Annual Income" means income as defined in Section 61 of the Internal Revenue Code (26 USC 8:5:6: 61).

be liable for 85% of the total principal and interest of the note as 'State Guarantee" means a note for which the State of Illinois shall described by the Authority.

- Applicant Eligibility Requirements.

  1) Farmer. To qualify for participation each farmer must: c)
- be a resident of Illinois [20 ILCS 3605/12.2] maintain-his principal-residence-in-the-State; A)
- be at least eighteen--( 18) years of age at the time of B)
- guaranteed by the State Guarantee are to be used [20 ILCS 3605/12.2]; be-the-principal-operator--of--the--farming be the principal operator of a farm or land for which application; ΰ

business--for--which--the--funds--guaranteed--by--the--State

- his/her gross income is derived from farming [20 ILCS 3605/12.2]; be-able-to-show,-based-upon-his/her-most--recent Federał--Income-¶ax-Return-and∤or-current-data,-a-gross-farm based upon his/her most recent federal income tax return and/or current data, that at least 50% of income-of-\$20,000-or-more; guarantee-are-to-be-used; to show, â
- be able to show, based upon his/her most recent federal upon-hisy/her-most-recent-Federal-Income--Tax--Return--and/or sales of agricultural products, commodities, or livestock exceeds \$20,000 [20 ILCS 3605/12.2]; be-able-to-show;-based current--data,--that--at--least--50%-of-his/her-annual-gross income tax return and/or current data, that his/her total income-is-derived-from-farming; <u>a</u>
- \$500,000 be--able--te--show--that-he/she-has-a-net-worth-of \$500,000-0r-less-(Ill:-Rev:-Stat:-1991;-ch:-5,-par:-1212:2) his/her net worth does be able to show that (H
  - participation each agribusiness [20 ILCS 3605/12.2]. usiness. To qualify for Agribusiness. must: 2)
- be located in Illinois; (A
- use agricultural products which are now grown or raised in B)

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- Illinois, or which will be grown or raised in Illinois.

  3) Joint Requirements. To qualify for participation each applicant
- produced or raised in this State" shall include any new or not customarily grown or produced in this State or that shall not include corn, soybeans, wheat, swine or beef or "Vertical integration of grain or livestock (###:--Rev:--Stat:--1991;--ch:--5;--par:--1212:2) [20 ILCS Promote diversification of the farm economy of this State through the growth and development of new crops or livestock which emphasize a vertical integration of grain or livestock in this State into a finished "New crops or existing grain or livestock grown or produced in this State; livestock not customarily grown or produced in this State" agricultural product for consumption or use. raised or dairy cattle. 3605/12.2];
  - B) provide sufficient collateral to secure the entire loan at the time of application and agree to keep the loan collateralized in the future;
- C) agree to make all payments on the State Guarantee within 90 days of the stated payment date. If any payment is not made within said 90 day period, then the total outstanding principal and interest on the entire State Guarantee loan are due and payable immediately. The State Guarantee loan cannot be reinstated after the 90 day delinquency period.
  - d) Any State Guarantees provided under this Section: bimitations
- 1) shall not exceed \$500,000 per farmer or an amount as determined by the Authority on a case-by-case basis for an agribusiness; The term-of-the-SGPAT-toan-shalt-not-exceed-t5--years---The-maximum tann-shalt-be-t5900,000-per-farmer-and-shalt-be-determined-on-a case-by-case---fash---farm---agribusinessy---based--on---tts---debt servicing-ability-
- 2) shall not exceed a term of 15 years; The-SGPAI-loan-shall-be subject-to-an-annual-eview and renewal-by-the-lender-and-the authority.

  Only 19 Only
- 3) shall be subject to an annual review and renewal by the lender and the Authority. [20 ILCS 3605/12.2]
  - e) Application Procedures and Review.
- ±) benders--interested--in--the--SGPAI--must--complete--a--better-of Interest-and-return-it--to--the-Authority-ts-office-in--Springfieldy

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- forms provided by the Authority, certify that the application and analyses, cash flow projections and feasibility studies are true analyses, cash flow projections and feasibility studies are true and correct, and shall be liable to the Authority for any damages suffered because of an incorrect or untrue statement contained in any certified application for-State-Guarantees. The application shall at a minimum contain the farmer's or agribusiness' name, address, present credit and financial information, including cash flow statements, financial statements, balance sheets and any other information pertinent to the application and the collateral to be used to secure the State Guarantee, such as feasibility studies, purchase contracts or sales contracts. [filt-Rev-State. 1991;-ch-5;-pear-1212-2]
  - 2)3+ After approval of the application and receipt of the documentation necessary prior to closing the loan, the Authority shall send a State Guarantee Closing Documents package to the lender containing all the appropriate forms and documents to execute; upon completion of all such forms and documents by the applicant, lender and Authority, the State Guarantee loan will be considered closed.
    - 4) The lender-shall-certify-that-all-information--contained--on--the application; --balance---sheets; --security--analyses; --cesh--flow projections-and-feasibility-studies--is--correct; --and--shall-be liable--to-the-Authority-for-any-damages-suffered-by-an-incorrect or-untrue-statement-contained-in-any-certified-application;
- 3)5† The application period for the SGPAI shall commence immediately upon the determination that these Rules are properly filed with the Office of the Secretary of State and end when the Authority has issued State Guarantees equal to \$50,000,000 through this SGPAI program and the YFG and SLP programs, \$957θθθ7θθθ or at any later time as may be set from time to time by legislative extension.
- the Authority shall review the application by the lender, the Authority shall review the application. The Authority's review will include whether the applicant is an eligible farmer or agribusiness and whether the lender has complied with the requirements of subsection (f) of this Section. The Authority's review will also include evaluation of such factors as collateral, percentage of loan, debt to asset ratio, cash flow, and other information submitted by the applicant.
- 5)77 When a State Guarantee application is submitted to the Authority, the Executive Director shall review the application to

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determine whether it is complete pursuant to subsection (e)(1)/ $^{2}$ + above, and whether it meets the criteria established by the Act and this Part:

- A) If the Executive Director determines that the loan application is incomplete, he/she shall within fourteen--f 14; days of such determination inform the lender and the applicant of such determination and detail the information or material that is necessary to complete the application. For the purpose of subsection (j) of this Section no application shall be deemed complete until the lender or applicants have provided the additional information or material requested by the Executive Director.
- B) When the Executive Director has completed his/her review of the Guarantee application, he/she shall present the application with a statement of recommended action to the Board at its next regularly scheduled meeting. The Executive Director will base the review on such factors as collateral, percentage of loan, debt to asset ratio, cash flow and other information submitted by the applicant.
- 8) The Board shall review each loan application presented by the Executive Director using the criteria in subsection (e)(4) (6) above, and the Board shall:
- A) approve the application and provide the Guarantee pursuant to the Act and this Part; or
- B) deny the application and serve upon the lender and applicant a unitten etatomate of the denial
- At the time the loan is made, the applicant may be required to pay a closing fee not greater than administrative and legal expenses and the lender shall receive 1/4% to cover administrative expenses incurred in completing the application packet and closing documents. The 3/4 of 1% closing the closing fee. The lender shall charge no fees or points in The applicant shall be responsible for paying any fees or charges involved in recording similar fees or charges Each applicant shall pay a \$300 \$400.00 application fee which will be submitted to the Authority lender at the time of the application. Of--this-\$400-application-feer-the-Authority-shall be-paid-\$300;-at-the-time-the-State-Guarantee-loan-application-is filed.---The--lender--shall--receive--the--remaining---\$100--for of 1% of the State Guarantee loan amount. Of this 3/4 of 1% Authority shall credit the \$300 \$400.00 application fee against insurance for necessary for closing and maintaining the State Guarantee or fee may be included in the State Guarantee loan amount. a written statement of the grounds of the denial. 1/2% financing statements, closing fee, the Authority shall receive to those outlined herein. secondary market issues and any other mortgages, releases<sub>L</sub> and administrative--expensesaddition 6
- selling it into the secondary market. [20 ILCS 3605/12.2]
  10) If the application is denied, the applicant and the lender may

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file a Request for Reconsideration stating reasons why the Board should withdraw its denial of the application. This Request for Reconsideration must be filed with the Authority not later than twenty-one-{21} days after denial and should be accompanied by supporting documents and/or information not previously considered by the Board. The Board shall review the Request at its next scheduled meeting. The review will be based on the criteria established in subsection (e)[4] (f) above. Based on the review, the Board shall approve or deny the Request for Reconsideration. A denial of a Request for Reconsideration shall be final. While a Request for Reconsideration is pending, the application that is the subject of the Request shall be deemed complete for the purposes of the subsection (j) of this Section.

- f) Provision or Renewal of State Guarantees. The Authority shall provide or renew a State Guarantee to a lender if The-Authority-shalt--provide or--renew--a--State-Guarantee-to-any-lender if, in addition to meeting the other criteria described in the Act and this Section---the tender:
- a fee equal to 25 basis points on the loan is paid to the Authority on an annual basis by the lender, along with any other necessary expenses for mintaining the State Guarantee Gharges-a fixed-or-adjustable-interest-rate-which-is-below-the-market-rate of-interest-est-erate-which-is-below-the-market-rate of-interest-est-erate-which-would-be-charged-by-the-same lender-for-the-same lender-for-the-same-project-without-the-State-Guarantee-If-both the-lender-and-the-borrower-agreer-the-interest-rate-on-the-State Guarantee-loan-the-State Guarantee-loan-the-state Guarantee-loan-the-borrower-agreer-the-interest-rate-on-the-State Guarantee-loan-the-borrower-agreer-the-interest-rate-on-the-State Guarantee-loan-the-borrower-agreer-the-interest-rate-on-the-State Guarantee-loan-fine Guaran
- the application provides collateral acceptable to the Authority that is at least equal to the State's portion of the Guarantee to be provided agrees-to-pay-the-Authority-an-annual-fee-equal-to-25 basis-points-on-the-loan-and-any-other-necessary-expenses-for maintaining-the-State-Guarantee+ (Illi-Rev-State-1991,-ch.-57 par-1212-1)
- 3) agrees--to--complete--and--certify--that;--to--the--best--of--his knowledge;--all--information--is--true---and---correct---on---the application;--cash-flow-statements;-financial-statements;-balance sheets and -any-other-information-pertinent-to-the-application;
  - 4) identifies-collateral-acceptable-to-the-Authority-in-accordance with-subsection-(h)-of-this-Section-that-is-at-least-equal-to-the State-Guarantee-loan-request;
- 3)54 the lender assumes all responsibility and costs for pursuing legal action on collecting any loan that is delinquent or in default subject to consulting with the Authority subject-to consulting with the Authority subject-to consulting.
- 4)67 the lender agrees that it is responsible assumes -- responsibility

#### NOTICE OF PROPOSED AMENDMENTS

for and-agrees--to-absorb the first 15% loss of the outstanding principal of the note for which the State Guarantee has been applied; {!!!:--Rev:--Stat:-!99!;--ch:-5;-par:-!2!2:!} [20 ILCS 3605/12.1].

prior approval of the Authority. Approval will be granted if the within 14 months, the lender shall be liable to repay to the responsibility--for--proceeding with the collecting and disposing provided, however, that the lender shall not collect or dispose collateral on the State Guarantee without the express written collateral is disposed of in a reasonably commercial manner based collect--or--dispose-of-collateral-on-the-State-Guarantee-without the-express-written-prior-approvai-of--the--Authority----Approvai will-be-granted-if-the-collateral-i9-disposed-of-in-a-reasonably State interest on the State Guarantee equal to at the same rate however, that the Authority shall have the authority to extend the 14 month period for a lender in the case of bankruptcy or 3605/12.2] The lender the State Guarantee has been liquidated and the State has been reimbursed which-prevent--the-lender--from---liguidating---the collateral.---The--lender-shall-repay-this-interest-to-the-State until-the-collateral-for-the-State-Guarantee-has-been--liguidated and--the-State-has-been-reimbursed. If the lender fails to repay the Authority shall turn the matter over to the Attorney General's office for appropriate legal action; (Hilt-Rev---Stat---1991---ch---5,--parof collateral on the State Guarantee within 14 months of the date the State Guarantee that--the--toam is declared delinquent; on the manner, time and place of the sale, the purchase price and the purchaser provided, -- however, -- that -- the -- lender -- shall -- not commercial-manner-based-on-the-manner;---time--and--place--of--the sale, -- the purchase price and the purchaser. In the event in the event-that the lender does not fails-te dispose of the collateral that as the lender charges on the State Guarantee Loan; provided; shall repay this interest to the State until the collateral lender 5)7+ the lender assumes responsibility for proceeding the prevent ILCS 3 the State the interest as outlined herein, [ 20 that the collateral. 1212-21-[20-168-3605/12-2] extenuating circumstances liquidating

reimbursed 85% of the remaining principal amount of the State Guarantee loan. If funds from the sale of the collateral remain after this payment, the lender shall be reimbursed 15% of the remaining principal amount of the loan. If excess funds remain after paying the remaining principal to the State and lender, then the State and lender shall be repaid interest on a pro-rated basis; 85% of such excess funds shall be allocated to the State's portion and 15% to the lender's portion. If excess funds exist after repaying both the State and the lender's portion. If excess funds exist be paid to the boxrower.

## ILLINOIS FARM DEVELOPMENT AUTHORITY

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Review and Revocation.

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The SGPAI loan shall be reviewed annually by the lender and the Authority for review of collateral value and performance by the borrower.

If the Authority determines that the existing collateral is insufficient to cover the State's liability, additional collateral will be requested. If the borrower fails to pledge such additional collateral, the State Guarantee may be revoked. The determination of whether to revoke the State Guarantee will be based on the borrower's ability to service the debt. If the Authority calls the State Guarantee, the holder of the Guarantee will be paid 85% of the outstanding principal and interest balance and the borrower will be liable to reimburse the

2) A State Guarantee may be revoked by the lender or the Authority upon a 90-day written notice to all parties specifying the reasons for such revocation (e.g., submission of false documents, changing loan documents or change of State residency).

3) If an interest rate is variable, a lender may not withdraw from a SCPAI loan for any reason except for lack of performance on the borrower's part, insufficient collateral, or maturity. (filt--Rev: Stat:-1991;-ch:-5;-par:-1212;2)

Such-notification-must-be-provided-on-or-before-the-date-on-which payment-is-due. (Ill:-Rev:-Stat:-1991;-ch:-5;--par:--1212:2}--{20 following closing of the loan application if the of-the-SGP,-a shall not vary may-review-the-SGP-loan-and-determine-to-withdraw must provide written notification of its decision provided on or before the date on which payment is due If-a <u> Jender--undertakes--such--a--review,--it--must--provide---written</u> A lender may review and withdraw or continue with a State Guarantee on an annual basis after After the first five years lender-whose loan contract provides for an interest rate that notification--of--its--decision--whether-to-withdraw-or-continueor-continue. [20 ILCS 3605/12.2] If a lender undertakes such notification Such whether to withdraw or continue. IPES-3605/12-2} review, 4)

stated payment date. Failure to make any payments on or before its due date shall render the loan delinquent. Notice of this delinquency shall immediately be sent to all parties. If the loan remains delinquent for a period of 90 days, the total outstanding principal and interest balances on the SGPAI loan shall become due and payable. The State Guarantee cannot be reinstated after the 90-day delinquency period.

h) Valuation of Collateral. The value of collateral shall be determined by a qualified appraiser. A qualified appraiser is one who is qualified by virtue of membership in the Illinois Society of Farm Managers and Appraisers or one whose qualifications have been reviewed by the Authority. The Authority will consider an appraiser qualified

#### NOTICE OF PROPOSED AMENDMENTS

who has at least three years experience appraising farmland. The Authority shall have final authority to determine whether the collateral is sufficient to cover the State Guarantee loan and may appoint an independent appraiser to aid in its determination. The Authority will view real estate as the primary collateral on SGPAI loans. Machinery and equipment and breeding livestock will be used only as secondary collateral except where no real estate is available. Collateral value may be reviewed each year by the lender or an independent appraiser appointed by the Authority. The applicant shall be liable to pay for all appraisal fees which are incurred when the value of the collateral is established.

i) Fund. To implement and carry out the objectives of the SGPAI, there is created To implement-and-carry-out-the-objectives-of-the-SGPAI; the fund-has-been-ereated-as-a-special-fund outside of the State's Treasury a special fund to be known as the Illinois Farmer and Agribusiness Loan Guarantee Fund. [20 ILCS 3605/12.2]

1) The Authority is authorized to transfer an amount not to exceed \$15,000,000 to the fund during the SGPAI, Young Farmer Guarantee, and Specialized Livestock Guarantee. [20 ILCS 3605/12.2] may request-transfer-of-no-more-than-\$i\theta-\the

2) The In-no-event-wiil-the State will not be liable for more than \$15,000,000 \$\psi \text{100} \psi \text

plus interest accrued since the date payment was due. If-a borrower-defaults-on-a-loan-secured-by--a--State--Guarantee,--the In the event of default by the farmer or agribusiness on State Authority shall direct payment on, the State Guarantee after 90 lender--shall-after--90-days-request-that-payment-on-the-loan-be made-by-the-fund.---Phe-Authority-shall-direct--a--single-payment equal--to--85%-of-the-outstanding-principal-plus-interest-accrued direct a single payment equal to 85% of the outstanding principal The Authority shall entitled days of delinquency. [20 ILCS 3605/12.2] lender shall since-the-date-payment-was-duethe Guarantee Loans, 3

4) Upon-liquidation-organization of the fund shall be reimbursed for any amount paid under this subsection upon liquidation of the collateral subsection, (filt--Rev--Stat.-1991;-ch:-57-par.-1212.2) [20 ILCS 3605/12.2]

Applications shall be processed by the

of Applications.

Priority

j)

Authority on a first come, first served basis, based upon the receipt of all completed documents.

k) Guarantors and Additional Collateral. An applicant for a State Guarantee loan may have a guarantor co-sign the note and/or pledge additional collateral for the State Guarantee loan if the lender and

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### ILLINOIS FARM DEVELOPMENT AUTHORITY

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the Authority determine that the applicant alone cannot provide sufficient collateral.

1) The State Guarantee. In the event of default, the Authority shall make payment on the State Guarantee of 85% of the outstanding principal and interest owned on the State Guarantee to the holder of the State Guarantee within 30 days after of receiving an appropriate request from the lender certifying that the 90-day delinquency period has elapsed.

m) Prepayment of Loan. The frequency of payments due on a SGPAI loan shall be determined on a case by case basis. Payment schedules will be tailored to match the operation's income. The loan may be prepaid in full or in part without penalty at any time during the term of the

n) Assumption of Loans. State Guarantee loans may not be assumed except with the approval of the Authority Board of Directors. Approval will be granted only in unusual circumstances such as death of the borrower with assumption by a family member.

o) Total Obligations Through the SGPAI. The Authority shall guarantee up to \$50,000,000 \$9570000000 in loans through the SGPAI, the Young Farmer Guarantee, and the Specialized Livestock Guarantee. The Illinois Farmer and Agribusiness Loan Guarantee Fund shall be funded with \$15,000,000 \$40700000 \$40700000 to cover any losses.

(Source: Amended at 22 Ill. Reg. \_\_\_\_, effective

#### NOTICE OF PROPOSED AMENDMENTS

- .) Heading of the Part: Illinois List of Endangered and Threatened Flora
- 2) Code Citation: 17 Ill. Adm. Code 1050
- 3) <u>Section Numbers:</u> <u>Proposed Action:</u> 1050.10 Amendments 1050.25 Amendments 1050.30 Amendments 1050.40 Amendments
- 4) Statutory Authority: Implementing and authorized by Section 7 of the Illinois Endangered Species Protection Act [520 ILCS 10/7].
- Endangered Species Protection Act requires that the Illinois Endangered Species Protection Act requires that the Illinois Endangered Species Protection Act requires that the Illinois Endangered and Threatened Flora as warranted, but in no case less frequently than every 5 years [520 ILCS 10/6]. The Board recently conducted a thorough review of the list. As required by law [520 ILCS 10/7], the Board conducted a public hearing on April 27, 1998, regarding changes it proposed to make to the Illinois List. Subsequently, at the 100th meeting of the Illinois Endangered Species Protection Board on May 15, 1998, the Board adopted such changes to the Illinois List as were supported by scientific evidence.
- 6) Will this rulemaking replace any emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part?

No

- 10) <u>Statement of Statewide Policy Objectives</u>: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice

Jack Price Department of Natural Resources 524 S. Second Street Springfield, IL 62701-1787 217/782-1809 12) Initial Regulatory Flexibility Analysis:

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- A) Types of small businesses, small municipalities and not for profit corporations affected: There is no effect to small businesses, small municipalities and not for profit corporations.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: Non-
- 13) Regulatory Agenda on which this rule was summarized: July 1998

The full text of the Proposed Amendments begins on the next page:

#### DEPARTMENT OF NATURAL RESOURCES

#### NOTICE OF PROPOSED AMENDMENTS

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES SUBCHAPTER C: ENDANGERED SPECIES TITLE 17: CONSERVATION

#### PART 1050

ILLINOIS LIST OF ENDANGERED AND THREATENED FLORA

Endangered Flora of Illinois Criteria Used For Listing Official List Definitions 1050.20 1050.10 1050.25 1050.30 1050.40 Section

Threatened Flora of Illinois

AUTHORITY: Implementing and authorized by Section 7 of the Illinois Endangered Species Protection Act [520 ILCS 10/7].

1984; amended at 13 Ill. Reg. 3755, effective March 13, 1989; amended at 14 Ill. Reg. 6123, effective April 17, 1990; amended at 17 Ill. Reg. 10781, effective July 1, 1993; amended at 18 Ill. Reg. 1142, effective January 18, 1994; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 22 Ill. Reg. SOURCE: Adopted at 4 Ill. Reg. 22, p. 209, effective May 20, 1980 unless otherwise noted; amended at 5 Ill. Reg. 10293, effective September 30, 1981; p. 209, effective May 20, 1980 unless codified at 6 Ill. Reg. 2593; amended at 8 Ill. Reg. 13713, effective July 25, , effective

#### Section 1050.10 Official List

The lists list appearing in Sections Section 1050.30 and 1050.40 have has been adopted by the Illinois Endangered Species Protection Board as the Official Lists bist of Endangered and Threatened Flora of Illinois.

effective Reg. 111. 22 at Amended (Source:

## Section 1050.25 Criteria Used For Listing

- A species shall be included on the Official List when one or more of the following criteria exists: a)
  - Species included in the Federal list of Endangered or Threatened 1

2)

Species which formerly were widespread in Illinois but have been nearly extirpated from the State due to habitat destruction, collecting, or other pressures resulting from the development of Species proposed for Federal Endangered or Threatened status which occur in Illinois. 3)

Illinois.

Oak Fern

Gymnocarpium dryopteris

#### DEPARTMENT OF NATURAL RESOURCES

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- which exhibit very restricted geographic ranges of which Illinois is a part. Species 4)
  - Species which exhibit restricted habitats or low populations Illinois. 2)
- Species which are significant disjuncts in Illinois, i.e., the Illinois population is far removed from the rest of the species' (9
- A species will be removed from the Official List if it no longer fulfills one or more of the criteria in subsection (a), except for a species that no longer fulfills the criteria because it no longer grows in Illinois. The determination will be made pursuant to Section 7 of the Endangered Species Protection Act (Filt--Rev.-Stat:-19917--ch-87-par:-337) [520 ILCS 10/7]. (q

#### effective Reg. 111, 22 at Source: Amended

## Section 1050.30 Endangered Flora of Illinois

COMMON NAME	Lea's Bog Lichen	Meadow-Horsetail	Dwarf Scouring Rush	Horsetail	Filmy fern	Qwillwort	Running Pine	Ground Pine	Bog Clubmoss		Qwiłiwort		Southern-Grape-Fern	Daisyleaf Grape Fern	Northern Grape Fern	Dwarf Grape Fern		Bradley's Spleenwort	Black Spleenwort	Fragile Fern	Hay-scented Fern	Log Fern
SCIENTIFIC NAME DHVSCTACEAE	Phaeophyscia leana EQUISETACEAE	Equise tum - pratense	Equisetum scirpoides	Equisetum sylvaticum HYMENOPHYLLACEAE	Trichomanes boschianum	Isoetes butleri	Lycopodium clavatum	Lycopodium dendroideum	Lycopodium inundatum	<b>FSOETACEAE</b>	Escetes-butter:	OPHIOGLOSSACEAE	Botrychium-biternatum	Botrychium matricariaefolium	Botrychium Botrichium multifidum	Botrychium simplex	POLYPODIACEAE	Asplenium bradleyi	Asplenium resiliens	Cystopteris laurentiana	Dennstaedtia punctilobula	Dryopteris celsa

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Scented Oak Fern New York Fern Long Beech Fern Rusty Woodsia	Trailing Juniper Jack Pine Shortleaf Pine Red Pine	Small Burhead Arrowhead Water Arum		Arkansas Sedge Golden Sedge Sedge Brownish Sedge Sedge Cordroot Sedge	Fibrous-rooted-Sedge Sedge Sedge Cypress-knee Sedge Shortleaf Sedge Sedge	Large Sedge Sedge Swollen-Sedge Sedge Black-edged Sedge Few-seeded Sedge	Pate Sedge Bellows Beak Sedge Brooping-Sedge Sedge Lined Sedge Bent Sedge
Gymnocarpium robertianum Thelypteris noveboracensis Thelypteris phegopteris Woodsia ilvensis	Juniperus horizontalis PINACEAE Pinus banksiana Pinus echinata Pinus resinosa	ALISMATACEAE Echinodorus tenellus Sagittaria longirostra lengirestris ARACEAE Calla palustris	H 2Z 47 区	Carex arkansana Carex aurea Carex baiteyt Carex brunnescens Carex canescens var. disjuncta Carex chordorhiza		Carex gigantea Carex heliophila Carex lucorum Carex nigromarginata Carex oligosperma	Carex-pallescens Carex physorhyncha Carex-prasina Carex reniformis Carex striatula Carex-styleflexa Carex-tonsa

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Three-seeded Sedge	TALLIA CARON CARA		MITTGEROW S-SEGGE	rrecty-seage	Galingale		Rusty Cotton Grass	Tall-Cotton-Grass	Baldwin-s-Frimbristylis	Vahl's Fimbristylis	Mottled-bipocarpha	Grass-Beak-Rush	Clustered Beak Rush	Tufted Bulrush	Bulrush	Bulrush	Alkali Bulrush	Weak Bulrush	Smith's Bulrush	Bultrush	Bulrush	Netted-Nut-Rush		Eastern Blue-eyed Grass	Mountain Blue-eyed Grass		Richardson's Rush	Vasey's Rush	Hairy Woodrush	,	Prinow-Group	Common-Bog-Arrow-Grass	Stender-Bog-Arrow-Grass		Wild Hyacinth	Prairie-Trout-Bily	Turk-s-Cap-bity	Indian Cucumber Root	Downy Solomon's Seal	Grass-leaved Lily	Nodding Trillium	Ill-scented Trillium	Green Trillium	White Camass		Powdery Thalia	
Carex trisperma		Observations of the contract o	Carex willachowit	1 1 1	Cyperus Lancastriensis	Eleocharis paucitiora	Eriophorum virginicum	Eriophorum-viridi-carinatum	Pimbristylis-annus	Fimbristylis vahlii	bipocarpha-maculata	Rhynchospora-globularis	Rhynchospora glomerata			Scirpus hattorianus	Scirpus paludosus			Geiffers-torreyi	Scirpus verecundus		IRIDACEAE	Sisyrinchium atlanticum	Sisyrinchium montanum	JUNCACEAE		Juncus vaseyi	Luzula acuminata		Scheuchzerta-palustris	Třiglochin-maritima	Priglochin-palustris	LILIACEAE	Camassia angusta	Brythronium-mesochoreum	Dilium-superbum	Medeola virginiana	Polygonatum pubescens	Stenanthium gramineum	Trillium cernuum	Trillium erectum	12	Zigadenus glaucus	MARANTACEAE	Thalia dealbata	

#### NOTICE OF PROPOSED AMENDMENTS

Eastern Prairie White Fringed Or Yellow-lipped Ladies' Tresses Small Yellow Lady's Slipper Crested Coralroot Orchid Two-Flowered Melic Grass bong-leaved-Panie-Grass Hooded Ladies' Tresses Spring Ladies' Tresses Small Whorled Pogonia Orange Fringed Orchid Purple Fringed Orchid American Slough Grass White-bady-s-Slipper Showy Lady's Slipper Northern-Manna-Grass Northern Panic Grass Bearded-Wheat-Grass Bearded Wheat Grass Hemlock Panic Grass Silver-Broom-Sedge Grass Pink Orchid Salt-Meadow-Grass False Melic Grass Tubercled Orchid Tubercled Orchid Wolf's Bluegrass Whorled Pogonia Moccasin Flower Bluejoint Grass Grove Bluegrass Weak Bluegrass Marram Grass Millet Grass Wood Orchid Snake-mouth Beard-Grass Panic Grass Manna Grass Panic Grass Panic-Grass Panic Grass Blue Grama Bead Grass Platanthera flava var. herbiola Platanthera flava var. flava Spiranthes romanzoffiana Platanthera leucophaea\* Isotria medeoloides\* \*\* Pogonia ophioglossoides Ammophila breviligulata Calamagrostis insperata Schizachne purpurascens Platanthera clavellata Agropyron-subsecundum Bechmannia syzigachne Cypripedium calceolus heptochloa-panicoides var. parviflorum Eypripedium-candidum Isotria verticillata Platanthera ciliaris Platanthera psycodes Andropogon-ternarius Hexalectris spicata Cypripedium reginae Calopogon tuberosus Spiranthes vernalis Cypripedium acaule Gymnopogon-ambiguus Panicum columbianum Panicum-longifolium Bouteloua gracilis Elymus trachyculus Glyceria arkansana Panicum yadkinense Paspalum dissectum Panicum-stipitatum Pucinellia pallida Spiranthes lucida Panicum ravenelii Glyceria-berealis Panicum boreale Milium effusum Poa-autumnalis Melica mutica Panicum joori Poa languida DRCHIDACEAE POACEAE

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TAN TERMINE	
FONIERDERIACEAE Heteranthera reniformis	Mud Plantain
POTAMOGETONACEAE	
Potamogeton-gramineus	Grass-leaved-Pondweed
Potamogeton praelongus	White-stemmed Pondweed
	Spotted Pondweed
	Fern Pondweed
Potamogeton strictifolius	Stiff Pondweed
Potamogeton-vasey:	Vasey-s-Pondweed
SPARGANIACEAE	
	American Burreed
Sparganium chlorocarpum	Green-fruited Burreed
ACANTHACEAE	
Justicia ovata	Water Willow
ADOXACEAE	
Adoxa moschatellina	Moschate1
AMARANTHACEAE	
Iresine rhizomatosa	Bloodleaf
APIACEAE	
Conioselinum chinense	Hemlock Parsley
Cynosciadium digitatum	Cynosciadium
Eryngium prostratum	Eryngo
Hydrocotyle ranunculoides	Water-pennywort
Ptilimnium nuttallii	Mock Bishop's Weed
ASCLEPIADACEAE	
Asclepias lanuginosa	Wooly Milkweed
Asclepias meadii*	Mead's Milkweed
Asclepias ovalifolia	Oval Milkweed
Asclepias stenophylla	Narrow-leaved Green Milkwe
	Climbing Milkweed
Artemisia dracunculus	Dragon Wormwood
Bidens beckii	Water Marigold
Eupatorium hyssopifolium	Hyssop-leaved Thoroughwort
var. hyssopifolium	
Eupatorium-incarnatum	Theroughwert
Helianthus giganteus	Tall Sunflower
Hymenoxys-acaulis-varglabra*	bakeside-Baisy
Hymenoxys herbacea*	Lakeside Daisy
bactuca-hirsuta	Wild-bettuce
bactuca-ludoviciana	Western-Wild-hettuce
Melanthera nivea	White Melanthera
Microseris cuspidata	
Rudbeckia missouriensis	Missouri Orange Coneflower
Silphium-pinnatifidum	Rosinweed
Silphium trifoliatum	Rosinweed
Solidage-arguta-(sensu-late:	Goldenrod
inclSstrigosa-6-Sbootii	

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BERBERIDACEAE		ELAEAGNACEAE
Berberis canadensis BETULACEAE	Allegheny Barberry	Shepherdia canader
Alnus rugosa	Speckled Alder	Archostanhulos 1117
Betula alleghaniensis	Yellow Birch	Gaultheria procum
Betula populifolia	Gray Birch	Vaccinium corymbos
Hackelia americana	Stickseed	Vaccinium macrocal
Heliotropium tenellum	Slender Heliotrope	VACCIMIUM OAYCOCO EUPHORBIACEAE
BRASSICACEAE		Chamaesyce polygon
Cardamine pratensis var. palustris	Cuckoo Flower	Euphorbia spathula
Draba cuneitolia	Whittow Grass	FABACEAE
Designerella Indoviciana	Haire March Waller Green	Amorpha nitens
CACTACEAE	nairy marsh relicow cress	Appropriate and the property of the property o
Opuntia fragilis	Fragile Prickly Pear	var. trichocaly
CAPPARIDACEAE		Astragalus tenness
Polanisia jamesii	James' Clammyweed	Cladrastis lutea
	**************************************	Dalea foliosa **
Lonicera dioica var. glaucescens	Red Honeysuckle	<b>Biocles-multiflor</b>
Lonicera Llava	Yellow Honeysuckle	Galactia mohlenbro
Sampucus pubens	Red-berried Elder	Lathyrus maritimus
Symphoricarpos albus var. albus	Snowberry	Lespedeza leptosta
	DODAMOGUE	Trifolium reflexur
CARYOPHYLLACEAE		FAGACEAE
Arenatta-patuta	Stender-Sandwort	Quercus nuttallii
Silene ovata	Ovate Catchfly	GENTIANACEAE
Silene regia	Royal Catchfly	Bartonia panicula
Stellaria pubera	Great Chickweed	Sabatia campestria
CELASTRACEAE		GERANIACEAE
Euonymus americanus CISTACEAE	American Strawberry Bush	Geranium bicknell
High tomostore		HYDROPHYLLACEAE
Teebee teresicosa	הייייים	Hydrolea uniflora
OF. HEAT ACRAE	rinweed	Phacelia gilioides
Hunderiche musirant	+ + + + + + + + + + + + + + + + + + +	JUGLANDACEAE
dynomican beliana	SHOLE SE. JOHN S WOLL	Carya pallida
milianum kaimianum	Kalm's St. John's Wort	LAMIACEAE
Triadenum Virginicum CONVOLVIACEAE	Marsh St. John's Wort	Pycnanthemum albes
	Contract to the second	Pychanthemum torre
CORNACEAE	Fatterson's racterson bindweed	Synandra hispidula LENTIBIILARIACEAE
Cornus canadensis	Bunchberry	Utricularia cornu
CORYLACEAE		Utricularia inter
Corylus cornuta	Beaked Hazelnut	Utricularia minor
		MALVACEAE
DROSERACEAE	odairting-cacamper	Iliamna remota
Drosera rotundifolia	Round-leaved Sundew	Malvastrum hispidi
		upnaerarcea-angas:

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Shepherdia canadensis	Buffaloberry
ERICACEAE	
Arctostaphylos uva-ursi	Bearberry
Gaultheria procumbens	Wintergreen
Vaccinium macrocarpon	Large Cranberry
Vaccinium oxycoccos	Small Cranberry
Chamaesyce polygonifolia	Seaside Spurge
Euphorbia spathulata	Spurge
FABACEAE	
Amorpha nitens	Smooth False Indigo
Apros-priceans* .	Price-s-Groundnut
Astragalus crassicarpus	
var. trichocalyx	Large Ground Plum
Astragalus tennesseensis	Tennessee Milk Vetch
Cladrastis lutea	Yellowwood
Dalea foliosa **	Leafy Prairie Clover
Diocles-multifiers	Boykin-s-Biocles
Galactia mohlenbrockii	Boykin's Dioclea
Lathyrus maritimus	Beach Pea
Lespedeza leptostachya*	Prairie Bush Clover
Trifolium reflexum	Buffalo Clover
FAGACEAE	
Quercus nuttallii	Nutall's Oak
GENTIANACEAE	
Bartonia paniculata	Screwstem
Sabatia campestris	Prairie Rose Gentian
GERANIACEAE	
Geranium bicknellii	Northern Cranesbill
HYDROPHYLLACEAE	
Hydrolea uniflora	One-flowered Hydrole
Phacelia gilioides	Phacelia
JUGLANDACEAE	
Carya pallida	Pale Hickory
LAMIACEAE	
Pycnanthemum albescens	White Mountain Mint
Pycnanthemum torrei	Mountain Mint
Synandra hispidula	Hairy Synandra
LENTIBULARIACEAE	
Utricularia cornuta	Horned Bladderwort
Utricularia intermedia	Flat-leaved Bladderw
Utricularia minor	Small Bladderwort
MALVACEAE	
Iliamna remota	Kankakee Mallow
Malvastrum hispidum	False Mallow
Sphaeralcea-angusta	Globe-Mallow

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Shadbush Queen-of-the-Prairie Narrow-leaved Crabapple Cinquefoil Rose Purple-flowering Raspberry Bristly Blackberry American Burnet American Mountain Ash Barren Strawberry	Wild Licorice Dwarf Bedstraw Balsam Poplar Autumn Willow Dune Willow Wooly Buckthorn Pitcher Plant Northern Gooseberry Early Saxifrage	Downy Yellow Painted Cup Violet Collinsia Gew-Wheat Yellow Monkey Flower Short-sepaled Beard Tongue Large-flowered Beard Tongue American Brooklime Silverbell Tree Bigleaf Snowbell Bush	White Basswood  Water-Ehm Rock Elm Marsh Valerian Corn Salad Corn Salad Canada Violet Hairy White Violet Primrose Violet
Amelachier sanguinea Filipendula rubra Malus angustifolia Potentilla millegrana Rosa acicularis Rubus odoratus Rubus setosus Sanguisorba canadensis Sorbus americana Waldsteinia fragarioides	Gallum lanceolatum Gallum virgatum SALICACEAE Populus balsamifera Salix serissima Salix syrticola SAPOTACEAE Bumelia lanuginosa SARRACENIACEAE SARRACENIACEAE SAIFRAGACEAE Ribes hirtellum SAXIFRAGACEAE Ribes hirtellum SAXIFRAGACEAE	SUNDIFICIAL MUERAE Castilleja sessiliflora Callinsia violacea Metampytum-tineare Mimulus glabratus Penstemon brevisepalus Penstemon prandiflorus Veronica americana STYRACACEAE Halesia carolina Styrax grandifolia TILLIACEAE	Tilia heterophylla ULMACEAE Płanera-aquiatica Ulmus thomasii VALERIANACEAE Valeriana uliginosa Valerianella chenopodifolia Valerianella umbilicata VIOLACEAE Viola canadensis Viola incognita Viola primulifolia

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DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Plains Violet

Viola viarum

effective Reg. 111. 22 at (Source: Amended

Section 1050.40 Threatened Flora of Illinois

Pilmy-Pern Prichomanes-boschianum Equisetum pratense HYMENOPHYLLACEAE SCIENTIFIC NAME EQUISETACEAE

Botrychium biternatum OPHIOGLOSSACEAE POLYPOBEACEAE

Bennstaedtia-punctilobula Juniperus communis Thuja occidentalis CUPRESSACEAE

Larix laricina COMMELINACEAE PINACEAE

Tradescantia bracteata Carex communis CYPERACEAE

Carex intumescens Carex willdenowii Carex-laxiculmus Carex oxylepis Carex-rostrata Carex viridula Carex prasina Carex-Crawei Carex woodii

Eleocharis rostellata Scirpus polyphyllus Triglochin maritima Rhynchospora alba Scirpus hallii TUNCAGINACEAE

Cyperus grayioides

Triglochin palustris

Erythronium mesochoreum Melanthium virginicum Polygonatum-pubescens Tofieldia glutinosa Prilitum-viride LILIACEAE

COMMON NAME

Meadow Horsetail

Southern Grape Fern

Hay-scented-Fern

Ground Juniper Arbor Vitae

**Tamarack** 

Prairie Spiderwort

Umbrella Sedge (Galingale) Fibrous-rooted Sedge Sharp-scaled Sedge Little Green Sedge Willdenow's Sedge Spreading-Sedge Drooping Sedge Swollen Sedge Beaked-Sedge Pretty Sedge Spike Rush

Slender Bog Arrow Grass Common Bog Arrow Grass Hall's Bulrush Bulrush

Beaked Rush

Bowny-Sotomon-s-Seat Prairie Trout-Lily Green-Trittum False Asphodel Bunchflower

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Spotted Coraleorrat-root Orchid Narrow-leaved-Green-Milkweed Grass-leaved Pondweed White Lady's Slipper Virginia Snakeroot Climbing Milkweed False Hellebore Bluejoint-Grass Rice-Grass Aristolochia serpentaria var. hastata Calamagrostis-insperata Corallorhiza maculata Potamogeton gramineus Asclepias-stenophylla Cypripedium candidum Oryzopsis-racemosa Veratrum woodii POTAMOGETONACEAE ARISTOLOCHIACEAE ASCLEPIADACEAE DRCHIDACEAE

Forked Aster Matelea obliqua Aster furcatus ASTERACEAE

Pitcher's (Dune) Thistle Narrow-leaved Sunflower Decurrent False Aster Schreber-s-Aster Hill's Thistle Thoroughwort Parter! Liatris scariosa var. nieuwlandii Helianthus angustifolius Eupatorium incarnatum Boltonia decurrens\* Cirsium pitcheri\* Lactuca hirsuta Aster-undulatus Aster-screberi Cirsium hillii

Cliff Goldenrod Wild Lettuce Blazing Star Sea Rocket Solidago sciaphila BRASSICAEAE

Red-berried-Elder Slender Sandwort Arrowwood Sambucus-pubens Cakile edentula Virburnum molle Arenaria patula CARYOPHYLLACEAE CAPRIFOLIACEAE

Narrow-leaved Sundew Squirting Cucumber Pinweed Drosera intermedia Lechea intermedia Melothria pendula CUCURBITACEAE DROSERACEAE

CISTACEAE

Chamaedaphne calyculata Acalypha-deamit EUPHORBEACEAE ERICACEAE

FABACEAE

Rock Chestnut Oak Quercus montana prinus Lathyrus ochroleucus Quercus phellos

Pale Vetchling Willow Oak

barge-seeded-Mercury

Leatherleaf

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	Blue Sage			Small Sundrops		Broomrape			Corydalis		Star-flower		Black Cohosh	Prairie Buttercup		Queen-of-the-Prairie	Dwarf Raspberry		Bog Bedstraw		Sullivantia		Pale False Foxglove	Kittentails	Ear-leafed Foxglove	Marsh Speedwell		Storax		Water Elm	of ++oN		Dog Violet	Real	
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	itcher																																	22	1
	psp. p	!	EJ.	1 S		clana		ttiqua	cteata		lis		olia	rhomboideus		45			cum		folia		iana		ulata	ata					a do i do a	3		ų,	ş
	Salvia azurea subsp. pitcheri acpaceae			perennis AE		Orobanche ludoviciana	. م	Corydaits-curvisitiqua	vargrandibracteata		Trientalis borealis	AE	Cimicifuga rubifolia			Filipendula-rubra	Rubus pubescens		Galium labradoricum	AE	Sullivantia renifolia	ACEAE	Agalinus skinneriana	ullii	Tomanthera auriculata	scutellata		Styrax americana		aquatica	iichchab Hrtige chemeodriwoides	1	Viola conspersa	Amended	,
EAE	ia azı	1	Epilobium	Oenothera OBANCHACE	1	anche	יייייי	datta	エー・コ	ACEAE	ntalis	ULACE	cifuga	Ranunculus	AE	pendu	and s	EAE	um la	AGACE	ivant	ULARI	inus	Besseya bullii	nthera	Veronica :	ACEAE	ах аш	AE	era a	CEAE Ca ch:	EAE	a cons		
LAMIACEAE	Salvia a	Chadada	Epil	OROBANCHACEAE		Orobanche	TOLULA I	Cory	2 A	PRIMULACEAE	Trie	RANUNCULACEAE	Cimi	Ranu	ROSACEAE	P±±±	Rubu	RUBIACEAE	Gali	SAXIFRAGACEAE	Sull	SCROPHULARIACEAE	Agal	Bess	Toma	Vero	STYRACACEAE	Styr	ULMACEAE	Planera	UNITER	VIOLACEAE	Viol	Source	1

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- Heading of the Part: Nuisance Wildlife Control Permits 1
- Code Citation: 17 Ill. Adm. Code 525 2)

3)

Proposed Action:	Amendments	Amendments	Amendments	Amendments	Amendments
Section Numbers:	525.10	525.20	525.30	525.40	525.Exhibit A

- Statutory Authority: Implementing and authorized by Section 2.37 of the Wildlife Code [520 ILCS 5/2.37] 4)
- damage by allowing additional trap types/modifications; better comply with revised recommendations for humane euthanization issued by the American Veterinary Medical Association; allow the salvage of dead white-tailed A Complete Description of the Subjects and Issues Involved: This Part is improve permittee's ability to target animals causing not-for-profit deer and control of blackbirds with federal guidelines; and reduce the process for to simplify the permit number of raccoons that are relocated. organizations; 2)
- οN N Will this rulemaking replace any emergency rule currently in effect? (9
- Does this rulemaking contain an automatic repeal date? 7
- 8 Do these proposed amendments contain incorporations by reference? 8
- Are there any other proposed amendments pending on this Part? 6
- This rulemaking does not affect Statement of Statewide Policy Objectives: units of local government. 10)
- proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to: Time, Place and Manner in which interested persons may comment on this Jack Price 11)

Department of Natural Resources Springfield, IL 62701-1787 217/782-1809 524 S. Second Street

- Initial Regulatory Flexibility Analysis: 12)
- A) Types of small businesses, small municipalities and not for profit

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corporations affected: Nuisance Wildlife Removal professionals and municipalities engaging in nuisance wildlife removal.

- B) Reporting, bookkeeping or other procedures required for compliance:
  Annual reports are submitted to the Department indicating number and
  species of each animal as well as each animal's disposition.
- C) Types of professional skills necessary for compliance:
  Non-municipalities must pass a test on knowledge of wildlife laws and trapping methods.
- 13) Regulatory Agenda on which this rule was summarized: July 1998

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 525 NUISANCE WILDLIFE CONTROL PERMITS Section 525.10 Purpose 525.20 Requirements and Application 525.30 General Provisions 525.40 Revocation and Suspension of Permits - Hearings and Appeals EXHIBIT A Application for Nuisance Wildlife Control Permit AUTHORITY: Implementing and authorized by Section 2.37 of the Wildlife Code [520 ILCS 5/2.37].

SOURCE: Adopted at 15 Ill. Reg. 4149, effective March 4, 1991; amended at 16 Ill. Reg. 1826, effective January 17, 1992; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 22 Ill. Reg. ..., effective

#### Section 525.10 Purpose

(Source: Amended at 22 Ill. Reg. \_\_\_\_, effective

## Section 525.20 Requirements and Application

- a) Any individual desiring to control Protected Species which are causing damage to property or a risk to human health or safety on the land of another, for a fee, must first obtain a valid Class A Nuisance Wildlife Control Permit from the Department. Control of white-tailed deer and migratory, threatened, or endangered species is prohibited except as provided for in Section 525.30(h).
- b) Any person desiring to control protected Species which are causing damage to property or a risk to human health or safety on the land of another, at no charge, must first obtain a valid Class B Nuisance Wildlife Control Permit from the Department. Control of white-tailed

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deer and migratory, threatened, or endangered species is prohibited except as provided for in Section  $525.30(\mathrm{h}).$ 

Any governmental body or eligible not-for-profit organization desiring to control Protected Species which are causing damage to property or a risk to human health or safety on lands governed, owned or managed by that entity the--tand--of--another must first obtain a valid class C Nuisance Wildlife Control Permit from the Department. Control of white-tailed deer and migratory, threatened, or endangered species is prohibited except as provided for in Section 525.30(h).

d) Permit Procedures

) To be eligible for a Class A or Class B nuisance Wildlife Control Permit the applicant must be at least 18 years of age.

 Application for a Nuisance Wildlife Control Permit shall be made on forms provided by the Department's Division of Wildlife Resources and shall be obtained by submitting a request to the Division.

 The Department shall issue a Class A Nuisance Wildlife Control Permit to an individual provided the applicant has:

A) met eligibility requirements as per this Section;

B) passed a written examination administered by the Department which tests the applicant's knowledge and understanding of:

i) this Part;

ii) the Wildlife Code [520 ILCS 5/2.37] (###-Rev--Stat;;; #989;-ch;-6#;-Par:-2:37);

iv) the Illinois Dead Animal Disposal Act [225 ILCS 610] (filt-Rev.-Stat.-1989,-ch.-84-par.-149-et-seq.);

v) "Specifications for the Humane Handling, Care,
Treatment, and Transportation of Warmblooded Animals
Other Than Dogs, Cats, Rabbits, Hamsters, Guinea Pigs,
Nonhuman Primates, and Marine Mammals" (Subpart F,
Subchapter A, ch. 1, Title 9 CFR, 1985) (no later
editions or amendments are included);

vi) Disease Free Certification and Quarantine Provisions for Propagation, Release, Importation, Exportation, and Transportation of Game Mammals, Game Birds, Migratory Birds, or Exotic Wildlife (17 Ill. Adm. Code 630); and

vii) diseases, life cycles, habits, and habitats of common Illinois wildlife as well as methods of preventing or controlling damage and risks to human health or safety.

C) completed a Hunter Safety Course administered by the Department or provided proof of equivalent training if quis firearms are to be used to take or euthanize animals.

Each new applicant or person whose permit has been revoked or has

4)

expired shall be required to answer correctly at least 80% of the

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questions on the closed-book examination. Applicants failing the required examination may repeat the exam after 45 days. Should a second failure occur, a six-month waiting period from the date of the second exam is required. The before-the examination sequence can be repeated no more than twice during any two-year period.

 The Department shall issue a Class B Nuisance Wildlife Control Permit to an individual provided the applicant has:

A) met eligibility requirements as per this Section; B) successfully completed an interview during

B) successfully completed an interview during which a representative of the Division of Wildlife Resources has determined the applicant's knowledge of wildlife and wildlife capture techniques sufficient to render services as provided for in this Section; and

C) completed a Hunter Safety Course administered by the Department or provided proof of equivalent training if firearms are to be used to take or euthanize animals.

The Department shall issue a class C Nuisance Wildlife Control Permit to a governmental body or eligible not-for-profit organizations upon application. Not-for-profit organizations shall be deemed eligible for a class C Nuisance Wildlife Control Permit upon submitting a copy of their Internal Revenue Service tax-exempt status determination letter and a map or legal description of their properties where wildlife will be

controlled.

Violation of the Illinois Endangered Species Act [520 ILCS 10] (filt-Rev--Statt--1989;--ch-0,-par--331-341), Section 3 of the Humane Care for Animals Act [510 ILCS 70/3], the Fish Code of 1971 [520 ILCS 5] (filt-Rev--5tatt--1989;-ch--5f--par--1,1-6-4) or the Wildlife Code [520 ILCS 5] (filt-Rev--6tatt--1989;-ch--1,2-517) during the 3 years prior to application for a Class A or Class B Nuisance Wildlife Control Permit shall be grounds for refusal to issue said permit.

f) Final judgment of applications shall be made by the Chief, Division of Wildlife Resources, or his designee, based on criteria contained in subsection (d).

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective

## Section 525.30 General Provisions

a) Nuisance Wildlife Control Permits shall be issued on an annual basis and expire January 31 of each year. Nuisance Wildlife Control Permits are not transferable. Permitted Nuisance Wildlife Control is governed solely by Sections 2.37 and 2.38 of the Wildlife Code [520 ILCS 5/2.37 and 2.38] (#IH:-Rev.-Stat:-1909,-ch.-6+;-pars:-2:37-and-2:30) and this Part. All other provisions of The Game Protective Regulations of the Wildlife Code [520 ILCS 5] (#IH:-Rev.-Stat:-1909,-ch.-6+;-Art:-II) do not apply.

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- b) Under no circumstances shall a Nuisance Wildlife Control Permit be used in lieu of a scientific collector's permit or sport or commercial licenses.
   c) Permittee's method of taking fauna must be approved by the Department.
   Approved methods include, but are not limited to trapping and
  - Permitteers method of taking fauna must be approved by the Department. Approved methods include, but are not limited to trapping and shooting. In addition.

    1) Only the following devices shall be used for land sets: Only—box traps,-cade-traps,-of--shmitar--design--and--unmodified
    - traps\_cage\_traps\_nor\_traps\_nor\_traps\_cage\_traps\_cor\_traps\_cage\_traps\_cor\_tra
- A) box traps, cage traps or traps of similar design;
  B) EGG traps (trademark), D-P (trademark) (Dog-Proof) traps or traps of similar design with a single access opening no larger than three square inches;
- cushion-hold traps with no modifications from the manufacturer's specifications other than the addition of auxiliary springs and/or swivels. "Cushion-hold trap" means an approved, commercially manufactured trap of the spring-loaded type with offset jaws designed to capture an animal by closing upon one of its limbs and that is so constructed that the edges designed to touch the animal are composed of a non-metallic substance that eliminates or mitigates interest.
  - mitigates injury to the trapped animal; and body-gripping traps powered by two springs and having an inside law spread no larger than 25 square inches may be used if set inside a residence at least four inches from any outside surface of the structure or set outdoors at least eight feet from the ground and enclosed in a tube, cylinder or open-ended box constructed of solid wood, metal or plastic such that the trigger of the trap is located at least twelve inches from any entrance to the enclosure in which it is set.
- (trademark) traps and D-P (trademark) (Dog-Proof) traps or traps of similar design, Bailey beaver traps or traps of similar design, Bailey beaver traps or traps of similar design, and cage traps, box traps or traps of similar design, and cage traps, box traps or traps of similar design and cage traps, box traps or traps or similar design may be used for water sets. Snares that are not powered by springs or other mechanical devices shall be used for water sets only if at least one-half of the snare noose loop is located under water at all times; the noose loop diameter is not greater than 15 inches (38.1 CM); the snare is equipped with a mechanical lock, anchor swivel, and stop device to prevent the mechanical lock from closing the noose loop to a diameter of less than 2 1/2 inches (6.4 CM); the cable

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diameter is not less than 5/64 inch (2.0 MM) but not greater than 1/8 inch (3.2 MM); and the snare is not constructed of stainless steel metal cable or wire.

- 3) It is unlawful to fail to visit and remove all animals from traps staked out, set, used, tended, placed or maintained at least once each calendar day.
- 4) It is unlawful for any person to place, set, use, or maintain any trap or snare that is not tagged, inscribed, or otherwise identified with the permittee's name and address.
- 5) It is unlawful for any person to place, set, use, or maintain a cushion-hold trap or leghold trap\_1 in water, that has an inside a jaw spread larger than 7 1/2 inches (19.1 CM), or a body-gripping trap having an inside a jaw spread larger than 144 square inches  $10^{-1}$  in
- 6) It is unlawful for any person to place, set, use, or maintain a cushion-hold trap\_ on land, that has an inside a jaw spread larger than 6 1/2 inches (16.6 CM).
  - 7) It is unlawful to use any trap with saw-toothed, serrated, spiked, or toothed jaws.
- 8) It is unlawful to place, set, or maintain any leghold trap or cushion-hold trap within thirty-( 30) feet (9.14 m) of bait placed in such a manner or position that it is not completely covered and concealed from sight, except that this shall not apply to underwater sets. Bait shall mean and include any bait composed of mammal, bird, or fish flesh, fur, hide, entrails, or feathers.
- crossbow, poison, chemical, explosive or any like device to take any Protected Species, except that commercially available gas cartridges that emit carbon monoxide or carbon dioxide as primary lethal agents may be used according to the manufacturer's specifications.
  - 10) It is unlawful for any person, except persons permitted by law, to have or carry any gun in or on any vehicle, conveyance or aircraft, unless such gun is unloaded and enclosed in a case.
    - 11) It is unlawful to fire a rifle, pistol, revolver, or airgun on, over or into any waters of this State, including frozen waters.
- 12) It is unlawful to discharge any gun along, upon, across, or from any public right-of-way or highway in this State.
- 13) It is unlawful to use a silencer or other device to muffle or mute the sound of the explosion or report resulting from the firing of any gun.
- 14) It is unlawful for any person to remove animals from or to move or disturb in any manner, the traps owned by another person without written authorization of the owner to do so.
  - 15) It is unlawful for any person to wantonly or carelessly injure or destroy, in any manner whatsoever, any real or personal property

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on the land of another while engaged in activities permitted by this Section.

- 16) It is unlawful for any person to take any Protected Species during the gun deer hunting season in those counties open to gun deer hunting, unless he wears, when in the field, a cap and outer garment of a solid blaze orange color, with such articles of clothing displaying a minimum of 400 square inches of blaze orange material.
  - 17) The use of guns firearms shall be subject to all <u>State</u> state restrictions.
- 18) The use of guns firearms shall be subject to municipal restrictions unless otherwise authorized in writing by an official of the municipality.
- d) Taking of fauna on private properties by Class A and Class B permittees requires the landowner's or tenant's written permission. Taking-of-fauna-on-private-properties-by-Class-B-permittees-requires the-landowner's-or-tenant's-written-or-oral-permission.
  - e) Taking of fauna on State-owned state-owned or -managed lands requires written authorization from the Site Superintendent or District Wildlife Habitat Biologist Manager.
- f) Permittees shall describe to the persons seeking services the estimated cost and type of control methods to be used to relieve the nuisance problem and/or to alleviate damage to livestock, crops, or property.
- g) The Nuisance Wildlife Control permit must be carried on the person at all times when taking or transporting fauna and be presented, upon request, to any authorized employee of the Department or any peace officer.
  h) The taking of white-tailed deer, endangered species, threatened
- The taking of white-tailed deer, endangered species, threatened species, migratory birds, or other species protected by Federal regulations is prohibited except for: uniess specific-authority-is granted-by-the--Department;---If--the--permittee--desires--to--control migratory-birds-or-other-species-protected-by-Pederal-regulations;-the permittee--must--first--obtain-appropriate-authorization-from-the-U-S-Fish-and-Widditfe-Service-then receive-approval-from-the-U-S-Fish-and-Widditfe-Service-then receive-approval-from-the--Bepartment prior-to-initiating-any-control-methods.
  - 1) the salvage and disposal of dead white-tailed deer in accordance with subsection (k) of this Section; and
- 2) the control of blackbirds, cowbirds, grackles, crows and magpies in accordance with and under authority of a standing depredation order issued by the U.S. Fish and Wildlife Service (Title 50,
- CFR, Part 21, Subpart D, Paragraph 1989).

  If the permittee desires to control any other migratory birds or other species protected by federal regulations, the permittee must first obtain appropriate authorization from the U.S. Fish and Wildlife Service, then receive written approyal from the Department prior to
  - initiating any control methods.

    All fur-bearing mammals [520 ILCS 5/1,2q] and game mammals [520 ILCS

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5/1.2h] that are not endangered or threatened (17 III. Adm. Code 1010) and are taken under authority of this Part must be released alive or euthanized except that: All-fur-bearing-mammais-which-are-not-listed in-17-III.-Adm.-Code-1010-and all-game-mammais-which-are-not-listed-in 17-III.-Adm.-Code-1010-and-all-game-mammais-which-are-not-listed-in 17-III.-Adm.-Code-1010-and-all-came-under-authority-of-this-Part-must be-released-alive-nor-euthanized-except-that-striped-skunks-must-be euthanized-Ali-other-Protected-Species-must-be-released-alive-or-surrendered-to-a-licensed-rehabilitator-

- striped skunks must be euthanized; and
- 2) raccoons must be euthanized or released on the same property and within 100 yards of where they were captured.

All other Protected Species must be released alive.

- j) Methods of euthanizing animals must be approved by the Department include, but are not limited to:
  - 1) captive bolt, gunshot, drowning, and stunning;
- 2) inhalants, including ether, halothane, methoxyfitraner isoflurane, nitrous-oxide,-N(2), carbon monoxide, and carbon dioxide; and
  - 3) non-inhalants including Secobarbital/dibucaine and-T-61.
- k) All dead euthanized animals must be transferred to a licensed renderer or disposed of in accordance with the Illinois Dead Animal Disposal Act [225 ILCS 610] #### Rev--Statt-#9997-ch;-09-parr-#49-et-seq:}
- 1) Animals, animal parts and animal by-products may not be sold, offered for sale, bartered or shipped for the purpose of sale or barter The sale-of-animals-or-animal-by-products-taken-under-authority-of--this Part-is-prohibited.
- to All animals released alive must be re-located into suitable habitat in provided for in subsection (i) of this Section, the The release site must be located at least 10 but not more than 40 miles from the release animals greater than 40 miles from the capture site and the duly appointed representatives of miles from the capture site if this subsection rule would require the animals are certified disease-free as provided for in 17 Ill. Adm. grants specific authority municipalities shall be re-located into suitable habitat less than release of animals on lands outside their under--the jurisdiction the State of Illinois within 24 hours after capture. capture site unless the Department Code 630. Animals captured by another-municipality. Ê
- n) Temporary holding facilities must meet U.S. Department of Agriculture standards for animal welfare as specified in "Specifications for the Humane Handling, Care, Treatment, and Transportation of Warmblooded Animals Other Than Dogs, Cats, Rabbits, Hamsters, Guinea pigs, Nonhuman Primates, and Marine Mammals" (Subpart F, Subchapter A, ch. 1, Title 9 CFR, 1985) (no later editions or amendments are included).
  - o) Release of fauna onto public or private land requires written authorization from the site superintendent, tenant, or landowner. In the event that threatened or endangered species are involved, the release shall be directed by the Endangered and Threatened Species

#### NOTICE OF PROPOSED AMENDMENTS

Conservation Program Coordinator, Division of Natural Heritage, Department of Natural Resources, 524 South Second Street, Springfield, Illinois 62701.

p) Permittees who rent, lend or otherwise transfer traps to clients, citizens, or other parties who are not under their direct supervision and have not obtained a Nuisance Wildlife Control Permit or a Nuisance Animal Removal Permit are responsible for any damages or violations of this Section that are perpetrated by the other party. Any animals taken by a second party must be reported by the permittee in accordance with subsection (q). Failure to comply with this Part shall result in permit suspension or revocation in accordance with Section 525.40.

All permittees shall maintain records and submit an annual report to residence, name, address, and phone number of the permittee, number and kinds of animals relocated, name, address, and phone number of any site supervisor, tenant or landowner on whose property animals were released, locations where animals were released, and number and kinds of all animals euthanized. This report shall be made on or before January 1 through December 31 of the previous year. All such reports and records required by this Section shall be available for inspection deputy sheriff, or any other peace officer at any reasonable time when obtaining a Nuisance by any officer or authorized employee of the Department, any sheriff, request is made for same. Failure to comply with the provisions of the Department showing the following information: total number county complaints received, number of complaints serviced, January 20 and shall include all operations for the this Section shall bar the permittee from Wildlife Control permit for the following year. <u>б</u>

It shall be unlawful for any person to represent himself or herself falsely to be an authorized employee of the Department, or to assume to act as such without having been duly appointed and employed as such.

(Source: Amended at 22 Ill. Reg. \_\_\_\_, effective

# Section 525.40 Revocation and Suspension of Permits - Hearings and Appeals

In accordance with Section 3.36 of the Wildlife Code [520 ILCS 5/3.36] (###Rev--Stat:-19897-ch--647-par:-3+364, failure to comply with the provisions of
the Nuisance Wildlife Control Permit, Wildlife Codes of Illinois pertaining to
Nuisance Wildlife Control Permits, Section 3 of the Humane Care for Animals Act
[510 ILCS 70/3], and this Part or providing false information to obtain a
Nuisance Wildlife Control permit shall result in suspension and or revocation
of the Nuisance Wildlife Control Permit. Suspension of the Nuisance Wildlife
Control Permit shall be for a period of not less than one year. Upon receiving
three or more complaints about services rendered by a permittee, the Department
shall review allegations and shall immediately suspend the permit of said

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person for a period not to exceed 90 days pending an investigation. The procedure by which suspensions and revocations are made, the rights of permittees to notice and hearing; and the procedures governing such hearings are set forth in 17 Ill. Adm. Code 2530.

(Source: Amended at 22 Ill. Reg. \_\_\_\_, effective

DEPARTMENT OF NATURAL RESOURCES NOTICE OF PROPOSED AMENDMENTS	Section 525.EXHIBIT A Application for Nuisance Wildlife Control Permit	irt 1. Personal Data	Name First Middle Initial Last	Representing the following company, organization or governmental body (if applicable):	Address Street	City State Zip Code	Phone Area Code Number	Date of Birth Day Year Day	urt 2. Type of permit applied for (check one):	Class A (Commercial)  Class B (Volunteer)  Class C (Governmental Bodies/Not-for-Profit  Organizations* Only)	* Not-for-Profit Organizations must attach a copy of their Internal Revenue Service tax-exempt status determination letter and a map or legal description of their properties where wildlife will be controlled	irt 3. Work Area (Applicants for Class A and B Permits only)	A list of permittees is distributed to District Wildlife <u>Habitat</u> Biologists and Conservation Police Officers so that they can refer complaintants to permittees who service that area. Please list (in order of preference) up to four counties that you service. This list will be used strictly for referrals; your activities are not restricted to this area.	County 1 County 2 County 3 County 4	
	Section 525.EX		Name	Repres (if ap	Addres		Phone	Date o	Туре				A list of permiconservation Powho service to counties that activities are		

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DEPARTMENT OF NATURAL RESOURCES		
NOTICE OF PROPOSED AMENDMENTS		
I certify that all information provided on this application is correct, to the best of $my$ knowledge.	true	and
Applicant's Signature		
RETURN COMPLETED APPLICATIONS TO: Illinois Department of Natural Resources		
Division of Wildlife Resources Lincoln Tower Plaza		
524 South Second Street Springfield, IL <u>62701-1787</u> 62706		

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effective

Reg.

111.

22

at

(Source: Amended

#### DEPARTMENT OF PUBLIC HEALTH

#### NOTICE OF PROPOSED AMENDMENTS

- Heading of the Part: Control of Communicable Diseases Code
- Code Citation: 77 Ill. Adm. Code 690 2)

1)

- Proposed Action: Amendment Amendment Repealer Section Numbers: 690,1010 690.100 690.720 3)
- and [20 implementing and authorized by the Department of Public Health Act ILCS 45], [410 Statutory Authority: Implementing the Infant Eye Disease Act and the Communicable Disease Report Act [745 215] 4)
- control and reporting of tuberculosis (77 Ill. Adm. Code 696) that replace 690.720 were adopted by the Department in the June 19, 1998 Complete Description of the Subjects and Issues Involved: This rulemaking will repeal from this Part all requirements concerning New comprehensive rules for the tuberculosis reporting and control. edition of the Illinois Register. Section 2)
- Will this Rulemaking Replace an Emergency Rule Currently in Effect? (9
- Does this Rulemaking Contain an Automatic Repeal Date?
- Does this Rulemaking Contain any Incorporations by Reference? No 8
- S<sub>N</sub> Are there any Other Proposed Amendments Pending on this Part? 6
- not rulemaking will require new or additional expenditures by units of local government. This Statewide Policy Objectives: Statement of 10)
- $\overline{\text{Time,}}$  Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning these rules by writing within 45 days after this issue of the Illinois 11)

Administrative Rules Coordinator 535 West Jefferson, Fifth Floor Springfield, Illinois 62761 Department of Public Health Division of Legal Services Gail M. DeVito (217) 782-2043

- Initial Regulatory Flexibility Analysis: 12)
- Type of Small Businesses, Small Municipalities, and Not-For-Profit A)

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Corporations Affected: None

- Reporting, Bookkeeping or Other Procedures Required for Compliance: B)
- C) Types of Professional Skills Necessary for Compliance: None
- Regulatory agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The agency did not anticipate the need for this rulemaking. 13)

The full text of the Proposed Amendments begins on the next page:

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#### DEPARTMENT OF PUBLIC HEALTH

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SUBCHAPTER k: COMMUNICABLE DISEASE CONTROL AND IMMUNIZATIONS CHAPTER I: DEPARTMENT OF PUBLIC HEALTH TITLE 77: PUBLIC HEALTH

CONTROL OF COMMUNICABLE DISEASES CODE PART 690

SUBPART A: REPORTABLE DISEASES AND CONDITIONS

Diseases and Conditions 690.100 Section

Diseases Repealed From This Part

#### SUBPART B: REPORTING

Reporting 690.200 Section

#### DETAILED PROCEDURES FOR THE CONTROL OF COMMUNICABLE DISEASES SUBPART C:

Section	
690.290	Acquired Immunodeficiency Syndrome (AIDS) (Repealed)
690.300	Amebiasis (Reportable by mail or telephone as soon as possible,
	within 7 days)
690.310	Animal Bites (Reportable by mail or telephone as soon as possible,
	within 7 days)
690.320	Anthrax (Reportable by telephone as soon as possible, within 24
	hours)
690.325	Blastomycosis (Reportable by mail or telephone as soon as possible,
	within 7 days)
690.330	Brucellosis (Reportable by mail or telephone as soon as possible,
	within 7 days)
690.340	Chancroid (Repealed)
690.350	Chickenpox (Reportable by mail or telephone as soon as possible,
	within 7 days)
690.360	Cholera (Reportable by telephone as soon as possible, within 24
	hours)
690.365	Cryptosporidiosis (Reportable by mail or telephone as soon as
	possible, within 7 days)
690.370	Diarrhea of the Newborn (Reportable by telephone as soon as possible,
	within 24 hours)
690.380	Diphtheria (Reportable by telephone as soon as possible)
690.390	Encephalitis (Reportable by mail or telephone as soon as possible,
	within 7 days)
690.400	Escherichia coli Infections Due to Serotype 0157:H7, Including
	Complications Such As Hemolytic Uremic Syndrome (Reportable by mail
	or tolenhone as soon as nossible, within 7 days

Meningitis and Other Invasive Disease Due to Neisseria meningitidis or Haemophilus influenzae (Reportable by telephone as soon as possible, within 24 hours), Meningitis Due to Other Bacteria, Fungi

and Protozoa, and Aseptic Meningitis (Reportable by mail or telephone

Meningococcemia (Reportable by telephone as soon

as soon as possible, within 7 days)

(Gonococcal) (Reportable by mail or telephone

Plague (Reportable by telephone as soon as possible, within 24 hours)

as soon as possible, within 7 days)

Ophthalmia Neonatorum

(Repealed)

Mumps

690.550

690.560 690.570 690.590 009.069 690.610

690.540

possible)

a S

Rabies, Human (Reportable by telephone as soon as possible, within 24 Rocky Mountain Spotted Fever (Reportable by mail or telephone as soon

Rubella (German Measles) (Including Congenital Rubella Syndrome)

as possible, within 7 days)

690,620

or telephone as soon as possible, within 7 days)

Psittacosis (Ornithosis) (Reportable by mail or telephone as soon

possible, within 7 days)

Poliomyelitis (Reportable by telephone as soon as possible)

690.580

Malaria (Reportable by mail or telephone as soon as possible, within

Lymphothia

Inguinale

(Lymphogranuloma

Venereum

Venereum) (Repealed) Lymphogranuloma

within 7 days)

Measles 7 days)

possible,

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soon

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Listeriosis (Reportable by mail or telephone

possible,

as

soon

Lyme Disease (Reportable by mail or telephone as

Leptospirosis (Reportable by mail or telephone as soon as possible,

within 7 days) within 7 days) within 7 days)

690.490

690.495 690.500 505.069 690.510 690.520 690.530

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690.410	Foodborne or Waterborne Illness (Reportable by telephone as soon as possible, within 24 hours)	telephone as	toon as
690.420	Giardiasis (Reportable by mail or telephone as soon as possible, within 7 days)	soon as pos	sible,
690.430	Gonorrhea (Repealed)		
690.440	Granuloma Inguinale (Repealed)		
690.450	Hepatitis, Viral (Hepatitis A, Hepatitis B (Cases and Carriers),	Cases and Carr	iers),
	non-A/non-B hepatitis, Hepatitis Unspecified (Reportable by mail or	ortable by ma	il or
	telephone as soon as possible, within 7 days))		
690.460	Histoplasmosis (Reportable by mail or telephone as soon as possible,	as soon as pos	sible,
	within 7 days)		
690.470	Intestinal Worms (Reportable by mail or telephone as soon as	ephone as so	on as
	possible, within 7 days)		
690.475	Legionnaires' Disease (Legionellosis) (Reportable by mail or	ble by mai	.1 or
	telephone as soon as possible, within 7 days)		
690.480	Leprosy (Hansen's Disease) (infectious and non-infectious cases are	infectious cas	es are
	reportable) (Reportable by mail or telephone as soon as possible,	soon as pos	sible,

#### DEPARTMENT OF PUBLIC HEALTH

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I or		ble,	
by mai		as soon as possible,	
Fe		g	
portab		soon	
(Re		eg CO	
Fever)	7 days)	lephone	
'yphoid	within	1 or te]	
than I	ossible,	e by mai	
(Other	soon as p	Reportabl	
690.630 Salmonellosis (Other than Typhoid Fever) (Reportable by mail or	telephone as soon as possible, within 7 days)	Shigellosis (Reportable by mail or telephone	
690.630		690.640	

Smallpox (Reportable by telephone as soon as possible, within 24 690,650

Staphylococcal Infections Occurring In Infants Under 28 Days of Age Streptococcal Infections (due to Group A streptococci, including pharyngitis, rheumatic fever, acute glomerulonephritis, scarlet fever invasive disease)(Reportable by mail or telephone as soon as Within a Health Care Institution or With Onset After Discharge (Reportable by mail or telephone as soon as possible, within 7 days) possible, within 7 days) 099.069 029.069

Syphilis (Repealed) 690.680

Toxic Shock Syndrome (Reportable by mail or telephone as soon Tetanus 069.069 690.695

possible, within 7 days) Trachoma 690.700

Trichinosis (Trichinellosis) (Reportable by mail or telephone as soon as possible, within 7 days) 690.710

Typhoid Fever (Reportable by telephone as soon as possible, within 24 mail or telephone as soon as possible, Tularemia (Reportable by Tuberculosis (Repealed) within 7 days) 690.720 690.725

Typhus (Reportable by telephone as soon as possible) Whooping Cough (Pertussis) hours) 690.750 690.740

690.730

SUBPART D: DEFINITIONS

Definition of Terms 006.069 Section

#### GENERAL PROCEDURES SUBPART E:

General Procedures for the Control of Communicable Diseases Incorporated Materials 0101.069 690.1000 Section

SUBPART F: SEXUALLY TRANSMITTED DISEASES (Repealed)

The Control of Sexually Transmitted Diseases (Repealed) 690.1100 Section

SUBPART G: PROCEDURES FOR WHEN DEATH OCCURS FROM COMMUNICABLE DISEASES

Section

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Death of a Person Who Had a Known or Suspected Communicable Disease 690.1210 Funerals 690.1200

Typhoid Fever Agreement (Repealed) EXHIBIT A Communication to the first state of the state of the communication of th by the Department of Public Health Act [20 ILCS 2305].

6331, effective April 18, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9124, effective June 3, 1985; amended at 9 Ill. Reg. 11643, effective July 19, 1985; amended at 10 Ill. Reg. 10730, effective June 3, 1986; amended at 11 1991; amended at 18 Ill. Reg. 10158, effective July 15, 1994; amended at 22 p. 131, effective December 7, 1979; emergency amendment at 4 Ill. Reg. 21, p. 97, effective May 14, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 38, p. 183, effective September 9, 1980; amended at 7 Ill. Reg. 16183, effective November 23, 1983; codified at 8 Ill. Reg. 14273; amended at 8 Ill. Reg. 24135, effective November 29, 1984; emergency amendment at 9 Ill. Reg. effective March 21, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 52, effective May 27, 1988; amended at 15 Ill. Reg. 11679, effective August 15, Reg. Ill. Reg. 7677, effective July 1, 1987; amended at 12 Ill. SOURCE: Amended July 1, 1977; emergency amendment at 3 Ill. , effective

SUBPART A: REPORTABLE DISEASES AND CONDITIONS

Section 690,100 Diseases and Conditions

The following are declared to be contagious, infectious, communicable and to the local health authority which shall subsequently report each case to the Illinois Department of Public Health. This listing includes those diseases and conditions reportable because of classification as communicable or Communicable diseases and conditions are reportable under this Part (77 Ill. Adm. Code 690) and sexually transmissible diseases and conditions are reportable under the "Control of Sexually Transmissible Diseases Code" (77 Ill. Adm. Code 693). (See Subpart B, Section 690.200) dangerous to the public health and each suspected or diagnosed sexually transmitted.

The following diseases shall be reported as soon as possible, but within 24 hours, to the local health authorities, which shall then The Section number associated with each of the listed diseases indicates the Part under which the diseases are reportable. This interval applies to primary reporters identified in Section 690.200(a)(l) who are required to report to local health authorities and to local health authorities who are required to report to the report to the Department as soon as possible, but within 24 hours. Department. Class I

Section

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	1	Anthrax 690.320
	2)	Cholera 690.360
	3)	Diarrhea of the newborn 690.370
	4)	Diphtheria 690.380
	5)	or waterborne illness 690.
	(9	Measles 690.520
	7)	nd c
		meningitidis or Haemophilus influenzae 690.530(a)
	8	.069
	6	Poliomyelitis 690.580
	10)	Rabies, human 690.600
	11)	Smallpox 690.650
	12)	fever
	13)	
	14)	Whooping cough (pertussis)
_	Class	II
	The	llowing diseases shall be reported as soon a
	within	7 days, to the local health authority which s
	to t	epartment within 7 days. The Section number associa
	each	of the
	dise	
		Sect
	1)	immunodeficiency syndrome (AIDS) 693
	2)	Amebiasis 690.300
	3)	Animal bites 690.310
	4)	Blastomycosis 690,325
	5)	690.33
	9	669
	7)	
	c	
	8	10s1s
	9	069
	10)	a coli infections due to serotype 0157:H7* 690
	11)	Giardiasis 690.420
	12)	693
	13)	ion
	14)	Hepatitis, type A viral 690.450(a)
	15)	type B viral (cases and carriers)*
	16)	Hepatitis, delta 690.450(e)
	17)	viral unspecified
	18)	Hepatitis, non-A/non-B 690.450(d)
	19)	Histoplasmosis 690,460
	20)	Intestinal worms 690.470
		A) Tapeworms 690.470(a)
		B) Ascariasis 690.470(b)
	21)	Legionnaires' disease (legionellosis) 690.475
	22)	Leprosy
	23)	irosis
	24)	

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25)	Lyme disease	690,505
26)	Malaria*	690,510
27)	Meningitis (due to bacteria, fungi or protozoa	
	011d 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	690.530(b) & (c)
28)	Mumps	690,550
29)	Ophthalmia neonatorum (gonococcal)	099.560
30)	Psittacosis*	690,590
31)	Rocky Mountain spotted fever	690.610
32)	Rubella, including congenital rubella syndrome	690,620
33)	Salmonellosis* (other than typhoid fever)	690.630
34)	Shigellosis*	690.640
35)	Staphylococcal infections occurring in infants	
	under 28 days of age (within a health care institution	tion
	or with onset after discharge)	099.069
36)	Streptococcal infections (due to group A streptococci),	occi),
	including pharyngitis, rheumatic fever,	
	acute glomerulonephritis, scarlet fever, and invasive	ive
	disease*	690.670
37)	Syphilis	693.20
38)	Tetanus	069.069
39)	Toxic shock syndrome	690.695
40)	Trachoma	690.700
41)	Trichinosis	690.710
42)	Tuberculosis	696.170 690.720
43)	Tularemia	690.725
	*Cases and carriers (when carriers are required to	be reported)
	of these should be confirmed by appropriate laboratory tests	aboratory tests

before reporting.

The occurrence of any increase in incidence of disease of unknown or unusual etiology should be reported, with major signs and symptoms G

When an epidemic of a disease dangerous to the public health occurs, and present rules are not adequate for its control or prevention, more stringent requirements shall be issued by this Department. listed. g)

effective Reg. 111, 22 at (Source: Amended

SUBPART C: DETAILED PROCEDURES FOR THE CONTROL OF COMMUNICABLE DISEASES

# Section 690.720 Tuberculosis (Repealed)

#### a) Reporting

on--forms--avaitable--from--the--local--health--authority--or-the Bepartment;--The-report-shall--include--demographic--informationy diagnostic---test---results,---treatment---regimens,---outpatient 1) Information-about-Glass-III-tuberculosis-cases-shall-be--reported

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All-laboratories-must-report-to-the-Bepartment--within--48--hours each--smear-positive-for-acid-fast-bacilli-rand-each-culture-from sputum,-tissue-or-other-body-fluids--positive--for--Mycobacterium tuberculosis--if--the--specimen--is--the--first-positive-from-the authority-or-the-Bepartment;--The-local-health-authority-within-a immediate--past--year--may--inform--laboratories-that-ali-initial smear-and-culture-reports-must-be-sent-to-the-local--tuberculosis authority:---If--the--case-resides-outside-of-the-jurisdiction-of supervision,--and--information--about--the--person--preparing-the patient-known-to-the-laboratory---Subsequent-smears-and--cultures on--the--same--patient--must--be--reported--to--the--local-health county-with-100-or-more-new-Class-fff-cases--in--the--carrent--or the-local-tuberculosis-authorityy-said-authority-shall--send--the report-to-the-Bepartment; 44

#### Control-of-Case ŢΩ.

- Control--Bivision,--Atlanta,--Georgia,-90933-(revised-April-1903) criteria-for-noncontagiousness-established-in-paragraph-3-of-this Section:---Howevery---if--the--acid-fast-bacilli-present-have-been Control--techniques--for-tuberculosis-as-described-in-4Guidelines for-Prevention-of-TB-Transmission-in-Hospitals,"-U-S---Bepartment of--Health-and-Human-Services,-Public-Health-Service,-Genters-for Disease-Control,-Center--for--Prevention--Services,--Tuberculosis must--be--foltowed--by--all--hospitals--and--other--health---care institutions--when--a--person--with-contagious-tuberculosis-is-is such-institution.---Contagious-tuberculosis--shall--be--considered present--in--a--person--who--has--acid-fast-bacilli-suggestive-of tuberculosis-found-on-a--sputum--smear--and--does--not--meet--the shown-by-culture-to-be-a-mycobacterium-other--than--tuberculosisy isolation-of-the-individual-is-not-required: ++
- noninstitutionalized--persons--with--contagious--tuberculosis--as meeting----the---criteria--defined--in--subsection--690.720(b)(3): Persons-who-fail-to-comply-with-specific--isolation--requirements shall--be-isolated-by-written-order-initiated-by-the-local-health authority-or,-in-the-absence-of-a--local--health--authority---the Department--on--forms--furnished-by-the-Department---Release-from isolation--is--permitted--when--the--conditions---of---subsection Modified--isolation-as-defined-in-Section-690.900-is-required-for defined-above.----Exemption--from--isolation--is-established--by 690-720(b)(3)-below-are-satisfied-44
- A--tuberculosis-patient-receiving-a-regimen-of-drugs-to-which-his there--is--aubstantial-decrease-in-the-number-of-acid-fast or-her-organisms-are-sensitive-shall-be-considered--noncontagious 五十 ÷ε
- baciłłi-as-demonstrated-by-few-baciłłi-found-in-the-sputum; systemic-symptoms-have-subsidedy-and
  - BÀ
- radiological--improvement--has--begun--in---patients---where reversible-changes-are-to-be-expected-

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knowledgeable--about-the-disease;-its-transmission-and-treatment; attending-physician-shall-consider-treatment-regimens-recommended in---"Treatment--of-Tuberculosis-in-Adults-and-Children",-American Phoracic--Society,--Medical--Section---of---the---American---bung Association.---The-guidelines-are-available-at-the-Department-for inspection--and--copying:----Treatment---recommended---by---later institution--or--at--an--outpatient---service,---from---personnel Tuberculosis---patients---shall---receive--care,--whether--in--an and-capable-of-teaching-precautionary-measures-to-patients-amendments-or-editions-are-not-included-in-the-rule: 44

#### Control-of-Contacts to

- Quarantine-of-contacts-is-not-required-
- recommendations-outlined-in-40ntrol-of--quberculosis, u--American Thoracic---Society---Medical---Section---of---the--American--bung tuberculosis--shall--have-an-x-ray-and-other-medical-examinations evidence--of--disease---the--attending--physician--must---consider Investigation----of---contacts---shall---be---managed---according Association:--All-contacts-shall-be-skin-tested--by--the---Mantoux method--utilizing--five--tuberculin--units--of--purified--protein derivative--administered--intradermally----Those-with-significant skin--test--reactions--or--symptoms--compatible--with---pulmonary as-determined--by--the--attending--physician.---If--there--is--no preventive-therapy----(See-subsection-690-720(b)(4))-

#### General-Measures d d

- Where--these--regulations-reguire-a-skin-test-for-tuberculosis7-5 significant-reaction-shall-be-considered-to-exist-where-there-is an--area--of--raduration--1θ-mm-or-more-in-diameter;-or-where-the attending--physician---and---local---health---authority---suspect tuberculosis--on-the-basis-of-disease-or-exposure-and-there-is-an area-of-induration-5-mm-or-more--in--diameter---Where--there--is documentation--of--a--previous--significant-skin-test-reaction-or record-of-previous-tuberculosis-infection-or-treatmenty--no--skin tuberculin-units--of--purified--protein--derivative---shall---be administered---intradermally---using---the---Mantoux--method:-test-is-reguired: ++
- Residents-of-institutions-licensed-by-the-Department-as-long-term care--facilities--shall--show--freedom--from--tuberculosis--by--a tuberculin-n-skin--test-administered-within-90-days-prior-to-or-72 hours-after-admission.--If--the--reaction--is--nonsignificant,--a second--skin--test-shall-be-done-within-3-weeks---If-the-first-or second-test-reaction-is-significant-or-tuberculosis-is--suspected at--any--time,--the-attending-physician-or-iocal-health-authority must-cause-foliow-up-to-be-done-including-x-raysy-cultures-and/or Sputum-smears. 57
- Residents-of-prisons-shall-have--a--tuberculin--skin--test--upon admission-and-upon-transfer-unless-the-record-of-test-is-verified after--transfer----The--same--follow-up--procedures--defined--in subsection--690-720(d)(4)(4)-must--be--done--if-significant-test 46

NOTICE OF PROPOSED AMENDMENTS

## results-are-found-

- 4) Bvery-hospitaly-child-care-centery-foster-home-familyy--and--long term-care-facility-shall-have-a-tuberculosis-surveillance-program which-shall-include-the-following:
- - - significant-test-reaction; i) Hospital-and-clinic--employees--who--are--assigned--to provide-direct-care-to-tuberculosis-patients;-and
- ii) Employees---in---nursing---home---or---intensive--care respiratory-therapy-and-similar-units-where-during-the past-tweive-months-a-case-of--Glass--iff--tuberculosis has--been--newity-diagnosed-among-employeesy-residents-or-newity-diagnosed-among-employeesy-residents-
- bmployees-in-schools-shall-have-a-tuberculin-skin-test--not--more than--90--days--preceding--time--of-first-school-employment;--All employees--with--significant---skin---test---reactions;---medical histories;--or--symptoms--compatible--with-pulmonary-tuberculosis shall-have an-x--ay-motoms--compatible--with-pulmonary-tuberculosis shall-have an-x--ay-motoms---compatible--with-pulmonary-tuberculosis shall-have an-x--ay-motoms---refrience--with-pulmonary-tuberculosis shall-have an-x--ay-motoms----fit there-is-explance-of-diseaser bactericlogical-studies-must-be-performed;--in--addition--to--any other-examinations-done;---If-there-is-no-evidence-of-diseaser-performed.physician--must--consider--preventive--therapy-for-the person-with-a-significant-skin-test-reaction;

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Repealed	
(Source:	

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SUBPART E: GENERAL PROCEDURES

Section 690.1010 Incorporated Materials

a) The following materials are incorporated or referenced in this Part:

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# DEPARTMENT OF PUBLIC HEALTH

# NOTICE OF PROPOSED AMENDMENTS

- 1) "CDC Guidelines for Isolation Precautions in Hospitals", U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control, Atlanta, Georgia 30333, HHS Publication No. (CDC) 83-8314 (1983).
  - 2) "Recommendations for Prevention of HIV Transmission in Health-Care Settings", U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control, Atlanta, Georgia 30333 (Morbidity and Mortality Weekly Report (MMWR), August 21, 1987, Vol. 36, No. S2, pages 35-185).
    - 3) "Protection Against Viral Hepatitis", Recommendations of the Immunization Practices Advisory Committee, U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control, Atlanta, Georgia 30333 (Morbidity and Mortality Weekly Report (MWWR), February 9, 1990, Vol. 39, No. RR-2, pages 1-26).
- 4) "Guidelines for Prevention of TB Transmission in Hospitals," U.S. Department of Health and Human Services, Centers for Disease Control, Atlanta, Georgia 30333. (Revised April 1983) (See Section 690.720)
- 5) Wgreatment-of-Tuberculosis--Infection--in--Adults--and--Children(1986)--and---Children(1986)--and---Control--of--Tuberculosis-(1983)-American-Thoracic
  Society-Medical-Section--of--the--American--bung--Association--of
  Illinois---l--Section--of--thildren--of--thildren(2783---t--Section-699-728)
  - the Advisory Committee on Immunization," Recommendations of the Advisory Committee on Immunization Practices, U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control, Atlanta, Georgia 30333 (Morbidity and Mortality Weekly Report (MMWR), January 28, 1994, Vol. 43, No. RR-1, pages 1-38), (See Sections 690,620(d)(1), 690,690(d)(1) and 690,750(a))
- and Human Services, HBV/HIV, Federal Register, Vol. 52, No. 210,
  - pp. 41818-41823, October 30, 1987. (See Section 690.450)

    7)89 "Diseases Transmitted by Foods", U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control, Atlanta, Georgia 30333 (1982, Second Edition).
- 1994 "Recommendations for Preventing Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Patients During Exposure-Prone Invasive Procedures", U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control, Allanta, Georgia 30333 (Morbidity and Mortality Weekly Report (MMWR), July 12, 1991, Vol. 40, No. RR-8, pages 1-9).
  - 1) Hepatitis B Virus: A Comprehensive Strategy for Eliminating Transmission in the United States Through Universal Childhood Vaccination", Recommendations of the Immunization Practices Advisory Committee, U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control, Atlanta, Georgia 30333 (Morbidity and Mortality Weekly Report (MMWR),

# NOTICE OF PROPOSED AMENDMENTS

influenzae Type b Disease Among Infants and Children Two Months of Age and Older", Recommendations of the Immunization Practices Advisory Committee, U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control, Atlanta, Georgia 30333 (Morbidity and Mortality Weekly Report (MMWR), January 11, 1991, Vol. 40, No. RR-3, pages 1-7). 10+1+ "Haemophilus b Conjugate Vaccines for Prevention of Haemophilus November 22, 1991, Vol. 40, No. RR-13, pages 1-25).

οĘ Health and Human Services, Public Health Service, Centers for Disease Control, Atlanta, Georgia 30333 (Morbidity and Mortality Weekly Report (MMWR), March 22, 1991, Vol. 40, No. RR-3, pages 11) 124 "Rabies Prevention - United States, 1991", Recommendations of the Immunization Practices Advisory Council, U.S. Department 1-19).

specified regulations in the 1987 Code of Federal Regulations, unless citations to federal regulations in this Part concern the another date is specified. ( q

regulations and standards on the date specified and do not include any federal regulations and to of nationally recognized organizations refer additions or deletions subsequent to the date specified. All incorporations by reference of ω

effective Reg. 111. 22 at (Source: Amended

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# DEPARTMENT OF PUBLIC HEALTH

# NOTICE OF PROPOSED AMENDMENTS

- Heading of the Part: Structural Pest Control Code 7
- Code Citation: 77 Ill. Adm. Code 830 2)
- Proposed Action: Amendment Section Numbers: 830.710 3)
- Statutory Authority: Structural Pest Control Act [225 ILCS 235] 4)
- of the Structural Pest Control Act. Section 830.710(b)(5)(B) includes, as This will correct a provision that is inconsistent with Section 13 a type B violation, making or reporting false, misleading, or fraudulent information regarding structural pest control to the Department. This subsection will be amended to apply to any such information put forth by any business or individual licensed, certified, or registered by A Complete Description of the Subjects and Issues Involved: Department, instead of only information supplied to the Department. rulemaking 2)
- S<sub>N</sub> Will this Rulemaking Replace an Emergency Rule Currently in Effect? (9
- Does this Rulemaking Contain an Automatic Repeal Date? 7
- No Does this Rulemaking Contain any Incorporations by Reference? 8
- No Are there any Other Proposed Amendments Pending on this Part? 6
- not wi11 require new or additional expenditures by units of local government. rulemaking This Objectives: Statement of Statewide Policy 10)
- Rulemaking: Interested persons may present their comments within a after this issue of the Illinois Register concerning these rules by on this Time, Place, and Manner in which Interested Persons May Comment writing to: 11)

Administrative Rules Coordinator 535 West Jefferson, Fifth Floor Department of Public Health Springfield, Illinois 62761 Division of Legal Services Gail M. DeVito 217-782-2043 testimony may be presented at a public hearing that will be held as follows: In addition,

Date, Time and Location of Public Hearing:

September 25, 1998

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# DEPARTMENT OF PUBLIC HEALTH

# NOTICE OF PROPOSED AMENDMENTS

Illinois Department of Public Health

4th Floor Conference Room

West Jefferson Street

Springfield, Illinois 62761

be held for the sole purpose of gathering public comment on the proposed amendments. Persons interested in presenting testimony at this hearing are Other Pertinent Information Concerning Public Hearing: The hearing will advised that the Department will adhere to the following procedures in the conduct of the hearings:

all persons wishing to testify have done so. The hearing officer may a written copy of such testimony at the time the oral testimony is No person will be recognized to speak for a second time until impose a time limit for testimony if necessary to allow each person who wishes to speak time to do so. In order to provide for a balanced the orderly conduct of the Each person presenting oral testimony shall provide to the hearing officer other rules of procedure, including the order of the call of witnesses as he/she deems necessary. presentation of views and to facilitate hearing, the hearing officer may impose such

### Initial Regulatory Flexibility Analysis: 12)

- Type of Small Businesses, Small Municipalities, and Not-For-Profit Structural Pest Control Businesses Corporations Affected: A)
- Compliance: for Reporting, Bookkeeping or Other Procedures Required B)
- Types of Professional Skills Necessary for Compliance: None Ω
- 13) Regulatory agenda on which this rulemaking was summarized: July 1998

The full text of the Proposed Amendments begins on the next page

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DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH SUBCHAPTER O: PEST CONTROL TITLE 77: PUBLIC HEALTH

STRUCTURAL PEST CONTROL CODE PART 830

SUBPART A: GENERAL

Definitions

Section

Referenced Materials 830.10 SUBPART B: GENERAL REQUIREMENTS

License Application Section 830,100

for Commercial Structural Pest Control Business Location

Control Pest Registration Application for Non-Commercial Structural Location 830.110

Application for Examination as a Certified Structural Pest Control 830.120

Technician

Technicians for Examination Re-examination Applications Certified 830.140 830,130

Other

in

Processing (Repealed) Sub-categories 830,150

Application of

Disapproved Applications (Repealed) License and Registration Renewals 830.170 830.180

Approved Applications (Repealed)

830.160

Change of Business Ownership 830.190

Certification Renewals 830.200

Non-renewal of Technician Certificates Late Filing Charge 830.210 830.220

Change of Certified Technician at Place of Employment Certified Technician at Each Location 830,230 830.240

Certificates of Insurance 830.250

Supervision of a Non-certified Technician Insurance Coverage 830.260 830.270

Inspections and Investigations (Repealed) 830.280

Structural Pest ಥ as for Certification in Illinois Control Technician by Reciprocity Classification of Pesticides Application 830.290 830.300

Display of License, Registration and Certification 830.315

Procedures for Certification as a Structural Pest Control Technician in Wood Products Pest Control (Repealed)

NOTICE OF PROPOSED AMENDMENTS

Confidentiality of Examination Scores Notification of Examination Results Examination Schedules (Repealed) Examinee's Review of Examination General Provisions Examinations Grades 830.450 Section 830.400 830.410 830.420 830.430 830.440

SUBPART D: PEST CONTROL COURSES

Section

Pest Control Course Description Pest Control Course Evaluation Application (Repealed) Record of Completion Approval (Repealed) Instructors Application 830.540 330.500 330.510 330.520 330.530 830.550 330.560

SUBPART E: PEST CONTROL TRAINING SEMINARS (RECERTIFICATION)

Disapproval of an Application or Recision of Approval (Repealed)

830.570

Application 830.600 Section

Pest Control Seminar Evaluation Application (Repealed) Pest Control Seminars Record of Completion Approval (Repealed) Instructors 830.610 830.630 830.620 830.640 830.650 830.660

Disapproval of an Application or Recision of Approval (Repealed) 830.670

SUBPART F: HEARINGS AND ADMINISTRATIVE FINES

Administrative Fines Hearings 830.700 830.710 Section

SAFE PESTICIDE STORAGE AND HANDLING SUBPART G:

General Safety Precautions Pesticide Storage Area Misuse of Pesticides Service Vehicles Records 830.840 830.800 830.810 830.820 830.830 Section

Pesticide Storage Practices

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# DEPARTMENT OF PUBLIC HEALTH

# NOTICE OF PROPOSED AMENDMENTS

Orders to Stop Sale, Stop Use, Seize or Regulate Removal Hazardous Incident Notification and Abatement 830.870 830.860

SUBPART H: BIRD CONTROL REQUIREMENTS

Bird Control Monitoring and Reporting Requirements Denial or Revocation of Avicide Permits Bird Control Training Requirements Avicide Permit Requirements 830.880 830.885 830.890 830,900

# SUBPART I: GROUNDWATER PROTECTION

Protection of Potable Water Supplies Scope and Applicability 830,1000 830,1100

WARNING SIGN-PESTICIDE TREATMENT & VENTILATION RESTRICTED USE PESTICIDE SIGN SCHEDULE OF ADMINISTRATIVE FINES ILLUSTRATION A TABLE A

[415 ILCS 60/3.2], Section 11(b) of the Illinois Endangered Species Protection Illinois Pesticide Act [415 ILCS 60] and in particular Section 3.2 Act [520 ILCS 10/11(b)], the Federal Migratory Bird Treaty Act (16 USC 703 et AUTHORITY: Implementing and authorized by the Structural Pest Control Act [225 seq.), and Section 14.6 of the Environmental Protection Act [415 ILCS 5/14.6]. ILCS 235],

8 Ill. Reg. 18492; emergency amendment at 10 Ill. Reg. 17812, effective September 28, 1986, for a maximum of 150 days; emergency amendment expired on amended at 13 Ill. Reg. 2090, effective February 3, 1989; emergency amendments at 14 Ill. Reg. 1036, effective December 22, 1989, for a maximum of 150 days; SOURCE: Adopted at 2 Ill. Reg. 19, p. 159, effective May 3, 1978; codified at February 24, 1987; amended at 11 111. Reg. 7736, effective April 15, 1987; emergency amendment expired on May 21, 1990; amended at 14 Ill. Reg. 12889, 1992; amended at 18 Ill. Reg. 14404, effective September 15, 1994; amended at effective August 1, 1990; amended at 16 Ill. Reg. 11612, effective July 6, 21 Ill. Reg. 15010, effective November 10, 1997; amended at 22 Ill. Reg. , effective

SUBPART F: HEARINGS AND ADMINISTRATIVE FINES

# Section 830.710 Administrative Fines

or in lieu of, license, registration, or certification suspensions and The Department is authorized to assess administrative civil fines against a licensee, registrant or certified technician for violations of the Act or this Part. These fines may be assessed in addition revocations. a)

# NOTICE OF PROPOSED AMENDMENTS

- determined in accordance with the Schedule of Administrative Civil Fines in Section 830. Table A and the of a fine shall be following criteria: (q
- state, or by the Director in a Final Order issued pursuant to the to mean a finding of violation of a Section of the Act or this Part by a court of competent jurisdiction in this or any other 1) A violation, for the purposes of this Section, will be considered Act, or by a notice of warning issued in accordance with Section 14 of the Act;
- violation means the first violation of a particular Section of the Act or this Part within the previous three years or since the an initial For purposes of determining a second violation, effective date of this amendment, whichever is less; 5)
- Each location shall be considered separately with regard violation determinations under this Part; 3
  - A Type A violation is any one of the following: 4)
- Failure to observe the general safety precautions of Section 830.800. A)
- Failure to abide by any stop sale or stop use order issued under Section 830.860. B)
- Failure to notify the Department of any incident or accident involving pesticides as required in Section 830.870. ວ
- in a manner inconsistent with its pesticide æ Use of â
- faulty, careless, or negligent manner (Section 13(d) of the Performing a pesticide application or inspection in labeling directions (Section 830.810). (E
- of Section 4(a) or Performing structural pest control in violation license and registration requirements 4(b) of the Act. Act). E)
  - certification requirements of Section 4(c) and 5 of the Act Performing structural pest control in violation and Section 830.230 and 830.270. G
- Performing structural pest control in violation of an order or his authorized representative (Sections 10(f), 13(a) and 14 of the Act). issued by the Director (H
  - Failure to use methods or materials suitable for structural pest control (Section 13(c) of the Act). (T
- Performing structural pest control utilizing or authorizing FIFRA or the Illinois Pesticide Act (Section 13(1) of the the use or sale of pesticides which are in violation Act). 6
  - of Sections Performing avicide applications in violation K)
    - A Type B violation is any one of the following: 830.880 through 830.8901. 2)
- Failure to cease pest control operations when there is an A)
  - fraudulent interruption in insurance coverage (Section 830.260(d)). or misleading Making or reporting false, B)

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# DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- advertisements or solicitations relating to information to-the-Department (Section 13(c) of the Act). structural pest control (Section 13(f) of the Act). Fraudulent Û
  - Allowing a license, permit, registration or certification to be used by another person (Section 4(f) and 6 of the Act). â
- control in order to secure or maintain a license or registration when that individual is not actively employed of a structural pest at the business location (Section 6 of the Act). certification technician Using the
  - Aiding or abetting a person to evade any provision of this Act (Section 13(g) of the Act). (H
    - Impersonating any federal, State, county or city official (Section 13(h) of the Act). 3
- and investigations in accordance with Section Sections 10(g) and Failure to allow the Department to perform inspections ±0 (h) of the Act;÷ (H
  - A Type C violation is any one of the following: (9
- requirements Failure to observe the pesticide storage Section 830.830.

of

- Failure to observe the service vehicle requirements of Section 830.840. Э)
- Failure to observe the pesticide storage practices of Section 830.850. Ω
- accordance with Section 9 of the Act and Sections 830.250 and 830.260 Failure to establish and maintain insurance in excluding subsection (b)(5)(A) of this Section. â
- Failure to establish and maintain records of pesticide applications in accordance with Section 830.820. (i
- Failure of a licensee or registrant to provide written notification to the Department concerning the loss of their technician and subsequent shutdown in accordance with Section 8 of the Act and Section 830.240(b). only certified E)
  - notification to the Department in accordance with Section Failure of a certified technician to provide 830.240(a). 3
- Failure to renew a license or registration in accordance with Section 4(e) of the Act and Section 830.180. (H
- technician certification in accordance with Section 6 of the Act and Failure to renew a structural pest control Section 830.200. (i
- Failure to notify the Department of a change in business ownership in accordance with Section 830.190. ('n
  - Failure to perform the notification and license replacement procedures in accordance with Section 4(d) of the Act when there is a change in business location. K)
- Failure to provide information to the Department upon G
  - a current license, request in accordance with Section 13(e) of the Act. provide or display to Failure Œ

# NOTICE OF PROPOSED AMENDMENTS

- registration and certification in accordance with Section 830.310.
  - N) Failure to observe the groundwater protection requirements in accordance with Subpart I of this Part. Any penalty not paid within 60 days after notice from the Department
- shall be submitted to the Attorney General's Office for collection. Failure to pay a penalty shall also be grounds for suspension or revocation of a license, permit, registration and certification. G

effective Reg. 111. 22 at (Source: Amended

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#### ATTORNEY GENERAL

# NOTICE OF ADOPTED RULES

Heading of the Part: Attorney General's Procurement

1)

Code Citation: 44 Ill. Adm. Code 1300 2)

Adopted Action	New	New	New	New	New	New	New	New	New	New	New	New	New	New	New	New	New	New	New	New	New	New	New	New	New	New	New	New	New	New	New	New	New	New	New	New	New	New	New	New	New	New	New
Section Numbers:	300.0	300.0	30	3	1300.15	300.2	300.3	00.5	00.10	1300,1010	00.151	300.156	1300.1570	1300.1580	300.200	300.201	300.201	300.201	300.202	300.20	300.203	300.20	300.203	300.203	300.20	300.204	300.2	300.204	300.204	300.204	300.20	300.205	300.205	300.206	300.25	300.280	300.400	300.401	300.450	300.45	300.4	0.453	1300.4540
3)																																											

# NOTICE OF ADOPTED RULES

| New       |
|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| 1300.4545 | 1300.5013 | 1300.5015 | 1300.5020 | 1300.5030 | 1300.5035 | 1300.5310 | 1300.5510 | 1300.5520 | 1300.5530 | 1300.5540 | 1300.5550 | 1300.6010 | 1300.6500 | 1300.6510 | 1300.6520 | 1300.7000 | 1300.7010 | 1300.7015 | 1300.7020 | 1300.7025 | 1300.7030 |

- Statutory Authority: Public Act 90-572, section 1-30, effective July 1, 1998 (30 ILCS 500/1-30) 4)
- Effective date of Rules: August 15, 1998 2)
- Does this rule does contain an automatic repeal date? No (9
- Does this rule does contain incorporations by reference? No 7)
- incorporated by reference, is on file in the agency's principal office and A copy of the adopted rule, amendment, or repealer, including any material is available for public inspection. 8
- Date Notice of Proposed Rules was published in the Illinois Register: April 10, 1998, 22 Ill. Reg. 6288 6
- JCAR did not object to the Rules. 10)
- Numerous non-substantive changes were made with respect to grammar, punctuation, Changes made between the proposed and adopted versions: citations and elimination of redundant language. 11)

The Heading of the Part was changed from "Standard Procurement" to "Attorney General's Procurement".

#### ILLINOIS REGISTER

#### ATTORNEY GENERAL

# NOTICE OF ADOPTED RULES

In Sections 1300.252 and 1300.1510 references to DCMS rules were deleted.

In Section 1300.2005(h) "in the State's best interest" was deleted and replaced with "the lowest cost or best value of those submitted". In Section 1300.2010(b)(2)(A), (e)(4) and (1) language was added defining the interest of the State. In Section 1300-2010(f) deleted reference to written minutes. In 1300.2010(j)(4) changed "shall not" to "may" with respect to consideration of pricing for optional goods or services, particularly when such pricing is unbalanced when compared to other pricing in the bid. In Section 1300.2035 the definition of professional and artistic services was entirely rewritten to make it consistent with the proposed rules of other agencies. In Section 1300.2038(d) a sentence concerning minor informalities was deleted as redundant.

other types In Section 1300.2055(a) the last sentence relating to use of of contracts was deleted. changed "contract" to "rate change" the second time it occurred in the second sentence. In Section 1300.2560(c)

In Sections 1300.5013 and 5035 the definitions of "distributable income" was rewritten to clarify it. In Section 1300.5015 language was added to specifically prohibit State employees having contracts for future employment to negotiate on behalf of the State with those future employees.

In Section 1300.6010 deleted "lifesaving medication".

- Yes Have all changes agreed upon by JCAR and the Agency been made? 12)
- Will these rules replace emergency rules currently in effect? 13)
- Are there any proposed amendments pending on this part? 14)
- be used by the Office of the Attorney General for procuring goods and services, other than standard employment of personnel, necessary for carrying out the duties of the Office, in accordance with requirements of procedures Summary and purpose of rulemaking: these rules set forth the the Illinois Procurement Code (30 ILCS 500). 15)
- Information and questions regarding this Rule shall be directed to: 16)

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#### ATTORNEY GENERAL

### NOTICE OF ADOPTED RULES

Counsel to the Attorney General Office of the Attorney General 500 South Second Street Springfield, Illinois 62706 Shawn W. Denney (217) 782-1090 The full text of the Adopted Rules begins on the next page:

### ILLINOIS REGISTER

#### ATTORNEY GENERAL

# NOTICE OF ADOPTED RULES

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENTS AND PROPERTY MANAGEMENT SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES CHAPTER XX: ATTORNEY GENERAL

ATTORNEY GENERAL'S PROCUREMENT PART 1300

#### GENERAL SUBPART A:

Contracts Necessary to Prepare for Anticipated Litigation SUBPART B: PROCUREMENT RULES Definitions of Terms Used in This Part Illinois Procurement Code Property Rights Application Policy Title 1300.01 1300.25 Section 1300.08 1300.10 1300.15

Procurement by DCMS Rules 1300.525 Section

SUBPART C: PROCUREMENT AUTHORITY

Section

1300.1002 Conduct of Procurements 1300.1010 Construction

Section

1300.1510 Publicizing Procurement Actions

SUBPART D: PUBLICIZING PROCUREMENT ACTIONS

1300.1560 Supplemental Notice 1300.1570 Error in Notice

1300.1580 Direct Solicitation

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION - GENERAL

1300.2005 General Provisions 1300.2010 Competitive Sealed Bidding 1300.2012 Multi-Step Sealed Bidding Section

1300.2015 Competitive Sealed Proposals 1300.2020 Small Purchases 1300.2025 Sole Source Procurement 1300.2030 Emergency Procurements

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NOTICE OF ADOPTED RULES

1300,2036 Other Methods of Source Selection 1300.2035 Competitive Selection Procedures

1300.2037 Tie Bids and Proposals

1300.2038 Mistakes 1300.2040 Cancellation of Solicitations; Rejection of Bids or Proposals

SUPPLIERS, PREQUALIFICATION AND RESPONSIBILITY SUBPART F:

1300.2044 Vendor List/Required Use 1300.2045 Prequalification 1300.2046 Responsibility 1300.2043 Suppliers Section

BID, PROPOSAL AND PERFORMANCE SECURITY SUBPART G:

1300.2047 Security Requirements Section

SPECIFICATIONS AND SAMPLES SUBPART H:

1300.2050 Specifications and Samples Section

CONTRACT TYPE SUBPART I:

1300.2055 Types of Contracts Section

DURATION OF CONTRACTS SUBPART J:

1300.2060 Duration of Contracts - General Section

CONTRACT MATTERS SUBPART K:

1300.2560 Prevailing Wage Section

SUBPART L: CONTRACT PRICING

1300.2800 All Costs Included Section

REAL PROPERTY LEASES AND CAPITAL IMPROVEMENT LEASES SUBPART N:

Section 1300.4005 Real Property Leases and Capital Improvement Leases

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NOTICE OF ADOPTED RULES

1300.4010 Renewal

PREFERENCES SUBPART 0:

1300.4505 Procurement Preferences 1300.4510 Resident Bidder Preference

1300.4535 Sheltered Workshops for the Disabled Correctional Industries 1300.4530

Small Business 1300.4540 Gas Mileage 1300,4545 ETHICS SUBPART P:

Section

1300.5015 Negotiations for Future Employment 1300.5013 Conflicts of Interest

Exemptions

Revolving Door

Disclosure of Financial Interests and Potential Conflicts of Interest 1300.5020 H 1300.5030 H 1300.5035 H

CONCESSIONS SUBPART Q:

Section

1300.5310 Concessions

COMPLAINTS, PROTESTS AND REMEDIES SUBPART R:

Section

1300.5510 Complaints Against Vendors 1300.5520 Suspension

and Contract of Resolution and Controversies Settlement 1300.5530

Contract

of

Breach

1300.5540 Violation of Law or Rule

1300.5550 Protests

SUPPLY MANAGEMENT AND DISPOSITIONS SUBPART S:

1300.6010 Supply Management and Dispositions Section

GOVERNMENTAL JOINT PURCHASING SUBPART T:

Section

1300.6500 General 1300.6510 OAG Use of Other Contracts 1300.6520 No Agency Relationship

# NOTICE OF ADOPTED RULES

SUBPART U: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

Section
1300.7000 Severability
1300.7010 Government Furnished Property
1300.7015 Inspections
1300.7020 Records and Audits
1300.7025 Written Determinations
1300.7030 No Waiver of Sovereign Immunity

AUTHORITY: Implementing and authorized by Section 1-30 of the Illinois Procurement Code [30 ILCS 525/1-30].

SOURCE: Adopted by emergency rule at 22 Ill. Reg. 12013, effective July 1, 1998, for a maximum of 150 days; adopted at 22 Ill. Reg. 1 effective MUG151996.

SUBPART A: GENERAL

### Section 1300.01 Title

This Part may be cited as the Attorney General's Procurement Rules.

### Section 1300.05 Policy

All procurements for the Office of the Attorney General (OAG) shall be accomplished in the most economical, expeditious and commercially reasonable manner that is in accordance with law, this Part and other applicable rules.

# Section 1300.08 Illinois Procurement Code

Articles 1, 15, 20, 25, 35, 40, 45, 50 and 53 of the Illinois Procurement Code [30 ILCS 525/Arts. 1, 15, 20, 25, 35, 40, 45, 50 and 53] (the Code) will be referenced herein as though applicable to the OAG, and needs shall be procured in a manner substantially in accordance with those provisions of the Code, except to the extent otherwise provided in this Part. For purposes of this Part, any reference in the Code or this Part to the Chief Procurement Officer (CPO) means the Attorney General or his designee. The Attorney General may appoint one or more State Purchasing Officers (SPO).

# Section 1300.10 Application

- a) The Code and this Part apply to those procurements for which the contractors were first solicited on or after July 1, 1998.
- b) Procurements for which contractors were first solicited on or before June 30, 1998, shall be conducted pursuant to legal requirements in effect at the time of the solicitation. The terms and conditions and the rights and obligations under contracts resulting from such

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procurements shall not be impaired.

c) A solicitation occurs on or before June 30, 1998, for purposes of this Part, in the following circumstances:

1) When advertising is required in the Official State Newspaper, the

first advertisement must run no later than June 30, 1998.

- ?) When advertising is not required:
- A) but if the procurement was advertised, the first advertisement must have run no later than June 30, 1998;
- B) if the procurement was by direct solicitation by mail, the solicitation must have been postmarked no later than June 30, 1998.
- C) if the procurement was by direct solicitation by fax, the fax must show a transmission date no later than June 30, 1998;
- D) if the procurement was solicited in-person or by telephone, the solicitation must have occurred no later than June 30, 1998, and the individual who made the solicitation must state in writing when the procurement was discussed, and must name the party with whom the discussion took place.
- 3) In all circumstances, the solicitations must be for the procurement of particular needs. A general discussion to determine if there is any interest is not considered a solicitation.

# Section 1300.15 Definitions of Terms Used in This Part

As used throughout this Part, terms defined in the Illinois Procurement Code shall have the same meaning as in the Code and as further defined below, and each term listed in this Section shall have the meaning set forth below unless its use clearly requires a different meaning. Terms may be defined in particular Sections for use in that Section.

"Bid" - The response to an Invitation for Bids.

'Bidder" - Any person who submits a bid.

"Brand Name or Equal Specification" - A specification which uses one or more manufacturer's names or catalogue numbers to describe the standard of quality, performance, and other characteristics needed to meet State requirements, and which allows the submission of equivalent products.

"Brand Name Specification" - A specification limited to one or more items by manufacturers' names or catalogue numbers.

"Contract" - A contract may be in written or oral form. The term contract as used in the Code and this Part does not include: goods or services the terms governing which are established by tariff of the

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bonds issued by or on behalf of any State agency, or contracts, other than for "concessions", where the State agency signs, but has no llinois Commerce Commission or the Federal Communications Commission, financial obligation to the other parties.

event from which the designated period of time begins to run shall not be included, but the last day of the period shall be included unless it is a Saturday, Sunday, or a State holiday, in which event the "Day" - Calendar day. In computing any period of time, the day of the period shall run to the end of the next business day.

"DCMS" or "CMS" - The Department of Central Management Services.

"OAG" - The Office of the Attorney General

"Proposal" - the response to a Request for Proposals.

rehabilitative, social, or human services directly to a recipient of a State aid program. [30 ILCS 525/1-15.68] Services provided to a recipient include those that are a necessary adjunct to the provision the State aid program services (e.g., obtaining intake information "Purchase of Care" - Purchase of care means a contract with a person prior to commencement of medical treatment). Services provided to an applicant for a State aid program necessary to determine eligibility for the furnishing of medical, educational, psychiatric, For the program are included within this definition.

construction items described by model or catalogue numbers, which, prior to competitive solicitation, the State has determined will meet "Qualified Products List" - An approved list of supplies, services, or the applicable specification requirements.

performance characteristics, or of the nature of supply, service, or as appropriate, context requires otherwise, the terms "specification" and "purchase description" are requirements for inspecting, testing, or preparing a supply, service, "Specification" - Any description of the physical, functional, construction item for delivery. Unless the includes, used interchangeably throughout this Part. construction items. A specification

"Specification for a Common or General Use Item" - A specification that has been developed and approved for repeated use in procurements in accordance with the provisions of Section 1300,2050.

# Section 1300.25 Property Rights

Receipt of an Invitation for Bids or other procurement document, or submission of any response thereto or other offer, confers no right to receive an award or

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contract, nor does it obligate the State in any manner.

Section 1300.30 Contracts Necessary to Prepare for Anticipated Litigation

contracts with expert witnesses, are excepted from the application of the Code Contracts necessary to prepare for anticipated litigation, enforcement actions assistant attorneys general, contracts for court reporter services, and and this Part, provided that they are approved by Counsel to the Attorney General, or his designee, as provided in Section 1-10(7) of the Code. or investigations, including but not limited to the appointment of special

SUBPART B: PROCUREMENT RULES

Section 1300.525 Procurement by DCMS Rules

To the extent practicable, the OAG may avail itself of master, schedule or open-ended contracts established by DCMS; items available from the Paper and Printing Warehouse; and DCMS contracts for telecommunications equipment, software and services, paper and envelopes, and vehicles and vehicle services.

SUBPART C: PROCUREMENT AUTHORITY

Section 1300.1002 Conduct of Procurements

The Attorney General or his designee shall serve as CPO for purposes of the The CPO may appoint in accordance CPO Code, and may conduct any or all procurements for the OAG. one or more SPOs to conduct procurements on behalf of the with conditions specified in the terms of the appointment.

Section 1300.1010 Construction

is Capital Development Board or of DCMS. Any request for such services will be submitted to the CPO-CDB or CPO-DCMS in accordance with CDB or DCMS rules. In Any construction or construction related professional and artistic services in excess of \$30,000 necessary for the OAG will be procured by the CPO of the submitted to the CPO-CDB or CPO-DCMS in accordance with CDB or DCMS rules. the event of an emergency, the CPO may arrange for such construction as necessary to protect the property and records of the OAG pending the making arrangements with the CDB or DCMS.

SUBPART D: PUBLICIZING PROCUREMENT ACTIONS

Section 1300.1510 Publicizing Procurement Actions

of any procurement action required by the Code to be publicized in the procurement Bulletin will be forwarded to DCMS for inclusion in the Illinois Procurement Bulletin will be forwarded to DCMS for inclusion in appropriate volume of the Bulletin. Notice

Section 1300.1560 Supplemental Notice

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The OAG may place ads in the Official State Newspaper selected by DCMS or other publications to supplement notice in the Bulletin.

# Section 1300.1570 Error in Notice

When a required publication contains an error, the error may be corrected by a single notice published in the Bulletin.

# Section 1300.1580 Direct Solicitation

In addition to giving notice in the Bulletin, the OAG may directly contact prospective vendors. Direct solicitation may be oral or in writing, but care will be taken to ensure that all vendors solicited in this manner receive the When making direct solicitations, at least three vendors same information. will be contacted.

# SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION - GENERAL

# Section 1300.2005 General Provisions

- Definition. Any bid or proposal received after the time, date Late Bids or Proposals, Late Withdrawals and Late Modifications a)
- and place set for receipt is late. Any withdrawal or modification of a bid or proposal received after the time and date set for opening of bids or proposals at the place designated for opening is late.
  - No late bid or proposal, late modification, or late withdrawal would have been timely but for the action or inaction withdrawal will be considered unless it is received before modification, of OAG personnel directly serving the procurement activity. award, and the bid, proposal, 2)
    - Records. Records shall be made and kept for each late bid or proposal, late modification, or late withdrawal.
      - Any other submission that has a time or date deadline shall be treated in the same manner as a late bid. 4)
        - Extension of Time (q
- Reasons for extension include but are not limited to allowing withdrawing a bid or proposal may be extended by the CPO or SPO The date or time for submitting a bid or proposal or modifying or prior to such date or time for the convenience of the OAG. additional time for submissions to account for inclement weather, labor strikes, accidents and other such reasons.
  - The reasons for requesting such After opening bids or proposals, the CPO or SPO may request bidders or offerors to extend the time during which the OAG may accept bids or proposals, provided that, with regard to bids, extension shall be documented. 5)
    - c) Electronic and Facsimile Submissions

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- date set for receipt. Any required attachments will be submitted electronic and facsimile machine submissions will be considered The Invitation for Bids or Request for Proposals may state that as stated in the Invitation for Bids or Request for Proposals. if they are received at the designated office by 1)
- Electronic submissions will be opened in accordance with Unless the electronic submission procedures provide for a secure receipt, vendor assumes risk of premature disclosure due to electronic security measures in effect at the time of opening. submission in unsealed form. 2)
  - Fax submissions will be placed in a sealed container upon receipt opened as other submissions. Vendor assumes risk premature disclosure due to submission in unsealed form.
    - Intent to Submit q)
- Request for Proposals. Bids and proposals submitted without complying The Invitation for Bids or the Request for Proposals may require that to submit a bid or proposal in response to the Invitation for Bids or vendors submit, by a certain time and date, a notice of their intent with the notice of intent requirement shall be rejected.
  - Only One Bid or Proposal Received ( e
- If only one responsive bid is received, or if only one proposal is received, an award may be made to the single bidder or offeror if the CPO or SPO finds that the price submitted is fair and reasonable, and respond, or there is not adequate time for resolicitation. Otherwise: that either other prospective bidders had reasonable opportunity
  - new bids or offers may be solicited;
- the procurement may be cancelled; or if the CPO or SPO determines in writing that the need for the supply or service continues, but that the price of the one bid is not fair and reasonable and there is no time for resolicitation or resolicitation would likely be futile, the procurement may then be conducted with any vendor under Section 1300.2025 (Sole 1300.2030 (Emergency Source Procurement) or Section 1300.2030 (Emergency Procurements), as appropriate. The CPO or SPO shall also attempt to negotiate the price offered by the single bidder to an
  - f) Alternate or Multiple Bids or Proposals acceptable level.
- by the solicitation and in accordance with 1) Alternate bids or proposals may be accepted if: A) permitted
- only one vendor responded, in which case the alternate submission(s) may be evaluated and treated in accordance with Section 1300.2025 (Sole Source Procurement) of this instructions in the solicitation;
- solicitation, has provided a lower cost alternative that the low bidder, who has met all requirements of of the material requirements of specifications; or 0

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- a vendor clearly indicates a base submission, then that base submission shall be considered for award as though it were the only bid or proposal submitted by the vendor. â
  - Multiple bids or proposals may be accepted if: 2)
- in accordance the solicitation and instructions in the solicitation; or permitted by A)
- bids, only the lowest cost bid meeting specifications may be only one vendor responded, then one or more submissions may be evaluated, provided that in the considered. B)
- Multiple Items g)
- individual line item, group total of certain items, or grand total of An Invitation for Bids or Request for Proposals may call for pricing of multiple items of similar or related type with award based on
  - "All or None" Bids or Proposals all items. h)
- "All or none" bids or proposals may be accepted if the evaluation Factors to be used to determine the State's best interest include but are not limited to whether the bid is the lowest of those submitted, reasonableness of the price and the cost and time shows an "all or none" award to be the lowest cost or best value of necessary to solicit other bids. those submitted.
  - Conditioning Bids or Proposals Upon Other Awards j.
- Any bid or proposal that is conditioned upon receiving award of the particular contract being solicited and one or more other State contracts shall:
  - be rejected unless the vendor removes the condition; or
- independently evaluated as the winner of the other Invitation for be evaluated and award made to that vendor if the vendor is also Bids or Request for Proposals provided the agency need not delay procurement actions to accommodate the vendor's "all or none"
- Unsolicited Offers Ĵ
- Defined. An unsolicited offer is any offer other than one submitted in response to a solicitation. 1)
  - unsolicited offers and shall have final authority with respect to Processing of Unsolicited Offers. The CPO or SPO may consider evaluation, acceptance and rejection of such unsolicited offers. 2)
- writing and must be sufficiently detailed to allow a judgment to Conditions for Consideration. An unsolicited offer must be in 3)
- Evaluation. The unsolicited offer may be evaluated to determine be made concerning the potential utility of the offer to the OAG. its utility to the State and whether it would be to the State's unsolicited offer which meets the requirements set forth above may be considered for award if the procurement also meets the requirements of Section 1300,2025 (Sole Source Procurement) or advantage to enter into a contract based on such offer. Section 1300.2020 (Small Purchases), in which case 4)

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- procedures shall be followed as applicable.
- Any request for confidentiality of data agreement cannot be reached on confidentiality, the OAG shall contained in an unsolicited offer must be made in writing. If an award is made, confidentiality of data shall be agreed upon by the parties and governed by the provisions of the contract. reject the unsolicited offer. Confidentiality. 2)
  - Clarification of Bids and Proposals <u>~</u>
- as a part of the evaluation process. A vendor shall not be allowed to The CPO or SPO may request that a vendor clarify its bid or proposal change its bid or proposal in response to a request for clarification.
- extended upon agreement of the parties, provided the extension is for 90 days or less and the CPO or the SPO determines in writing that it not practical to award another contract at the time of such contract may The time of performance of an indefinite quantity Extension of Time on Indefinite Quantity Contracts . S 7
- Increase in Quantity on Definite Quantity Contracts extension. Ē
- separate bidding for the additional quantity is not likely to achieve The quantity that may be ordered from a definite quantity contract may be increased by up to 20% provided the CPO or SPO determines that lower pricing. The quantity may be increased by any percentage provided the dollar value of the increase does not exceed the small ourchase threshold applicable to the type of goods or service.
  - provided, however, that a vendor may assign monies receivable require the execution of a contract with the assignee and in such No OAG contract is transferable, or otherwise under a contract after due notice to the OAG. Assignment may cases the assignee must meet all requirements for contracting or assignable, without the written consent of the CPO Novation or Change of Name Assignment. n)
- best interest of the State, a successor in interest may be recognized in a novation agreement in which the transferor and When in Recognition of a Successor in Interest; Novation. with the OAG. 5)
  - the transferee assumes all of the transferor's obligations; the transferee shall agree that: A)
- the transferee meets all requirements for contracting with the OAG;
- the transferor waives all rights under the contract against the OAG; and ô
- unless the transferor guarantees performance of the contract by the transferee, the transferee shall, if required by the OAG, furnish a satisfactory performance bond. â
  - responsible for the contract shall, upon receipt of a document indicating such change of name, enter into an agreement with the Change of Name. When a vendor requests to change the name OL CPO which it holds a contract with the OAG, the 3)

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The agreement changing the name shall specifically indicate that no other terms requesting vendor to effect such a change of name. and conditions of the contract are thereby changed. All change of name or novation agreements effected under this subsection (n) other than by the CPO shall be reported to the CPO within 30 days after the date that the agreement becomes effective. 4)

Contracts may provide for installment purchase payments, including interest charges, over a period of time. The interest rate may not Contracting for Installment Purchase Payments, Including Interest exceed that established by law, including 30 ILCS 305. 6

# Section 1300.2010 Competitive Sealed Bidding

Application

Competitive sealed bidding is the required method of source selection except as allowed by the Code and this Part. The provisions of this Section apply to every procurement required to be conducted by competitive sealed bidding. Q

The Invitation for Bids

Use. The Invitation for Bids is used to initiate a competitive sealed bid procurement. 1)

The Invitation for Bids shall include, at a minimum, the following: Content. 2)

submission requirements, including the time and date set for receipt of bids, the address of the office to which bids are to be delivered, the maximum time for bid acceptance by the State, and any other special information such as the time instructions and information to bidders concerning the and place of any pre-bid conference; A)

the purchase description, evaluation factors, delivery or performance schedule, and such inspection and acceptance in the purchase included as are not description; and requirements B)

the contract terms and conditions, including warranty and bonding or other security requirements, as applicable. Ω

Incorporation by Reference. The Invitation for Bids may incorporate documents by reference provided that the Invitation for Bids specifies where such documents can be obtained. Incorporation

Bidding Time ς O

distribution of the Invitation for Bids and the time and date set for receipt of bids. In each case, bidding time will be set to provide bidders a reasonable time to prepare their bids. A minimum of 14 days Bidding time is the period of time between the date of notice or shall be provided unless a shorter time is allowed in this Part. Bidder Submissions q)

Bid Form. The Invitation for Bids shall provide a form that shall include space in which the bid price shall be inserted and

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other all that the bidder shall sign and submit along with necessary submissions.

Bid Samples and Descriptive Literature 5)

Bid samples or descriptive literature may be required when it is necessary to evaluate required characteristics of

the vendor to contest a decision or understanding with the tested, will not be deemed to vary any of the provisions of bid samples or descriptive literature are the Invitation for Bids, and may not be utilized by submitted at the bidder's risk, may not Unsolicited State. B)

Public Notice ( e

of \$10,000 that must be procured using an Invitation for Bids shall be publicized in the Illinois Procurement Bulletin. Publication. Every procurement for goods and services in excess 1

Publication in the Bulletin may be supplemented by publication elsewhere at the discretion of the SPO. Examples include publication in: 5

the Official State Newspaper; A)

a newspaper of general circulation; B)

a newspaper of local circulation in the area pertinent to the procurement; or Û

industry media.

Public Availability. A copy of the Invitation for Bids shall made available for public inspection. 3

securing competition. Notices of Availability shall indicate require payment of a fee or a deposit for the supplying of the or Notices of the Availability of Invitations for Bids may be mailed or otherwise furnished to a sufficient number of bidders for the purpose of where Invitations for Bids may be obtained; generally describe the supply or service desired; and indicate the due date for bids; and may contain other appropriate information such as pre-bid conference data. Where appropriate, the CPO or SPO for Bids Invitations Invitation for Bids. Distribution. 4)

conference results in preparation of bids. Nothing stated in the pre-bid conference shall change the Invitation for Bids unless a Minutes of the conference shall be supplied to all those prospective procurement requirements. They shall be announced to all prospective bidders known to have received an Invitation for Bids. The conference conference should be held long enough after the Invitation for Bids has been issued to allow bidders to become familiar with it, but change is made by written amendment to the Invitation for Bids. Pre-bid conferences may be conducted to enhance understanding of the may be designated as attendance mandatory or attendance optional. sufficiently before bid opening to allow consideration of Pre-Bid Conferences E)

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to attendees Bids. If the received an Invitation for conference is mandatory, the minutes shall be supplied have t t only.

Amendments to Invitations for Bids 6

- Amendments to Invitations for Bids shall be identified as amendments issued. The amendment shall reference the portions of such and shall require that the bidder acknowledge receipt of all the Invitation for Bids it amends. 1) Form.
- Amendments shall be sent to all prospective bidders known to have received an Invitation for Bids. 2)
- Timeliness. Amendments shall be distributed within a reasonable time to allow prospective bidders to consider them in preparing their bids. If the time and date set for receipt of bids will not permit such preparation, the amendment shall extend the response time. If necessary, the response time may be extended by fax or telephone and confirmed in the amendment. 3

Pre-Opening Modification or Withdrawal of Bids р)

- received in the office designated in the Invitation for Bids modification or withdrawal, or withdrawal received by telephone prior to the time and date set for bid opening, will be effective Procedure. Bids may be modified or withdrawn by written notice prior to the time and date set for bid opening. if followed in writing.
  - Disposition of Bid Security. If a bid is withdrawn in accordance with this Section, the bid security, if any, shall be returned to the bidder. 5)
- withdrawal of bids shall be made a part of the appropriate modification the to relating All documents procurement file. Records. 3
- i) Receipt, Opening and Recording of Bids
- Receipt. Upon its receipt, each bid and modification shall be time-stamped but not opened and shall be stored in a secure place until the time and date set for bid opening. If a bid is opened in error, the file shall so state. 7

Opening and Recording 2)

- of one or more witnesses, at the time, date, and each bidder, the bid price, and such other information as is deemed appropriate by the CPO or SPO, shall be recorded and the name of each bidder read aloud or otherwise made Bids and modifications shall be opened publicly, in the available. The names of required witnesses shall also be The name place designated in the Invitation for Bids. recorded at the opening. presence A)
- The winning bid shall be available for public inspection after award, along with the record of the other bids.
- Confidential Data. The CPO or SPO shall examine the bids to secrets and other proprietary data identified in writing. If the determine the validity of any requests for nondisclosure of trade 3)

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other or information, the bid shall be rejected as nonresponsive. parties do not agree as to the disclosure of data

Evaluation and Award Ĵ

- t t General. The contract is to be awarded to the lowest responsible bid meets the requirements and criteria set forth in the Invitation for Bids, except as permitted in this Section. The Invitation for Bids shall set evaluated for any requirements or criteria that are not disclosed forth the requirements and criteria that will be used No bid shall the lowest responsive bidder. and responsive bidder whose in the Invitation for Bids.
  - Responsibility. Responsibility of prospective contractors is covered by Section 1300.2046 (Responsibility) of this Part. 2)
- Responsiveness. Section 15-85 of the Illinois Procurement Code defines responsive bidder as a person who has submitted a bid that conforms in all material respects to the Invitation for 3)
- Product or Service Acceptability. The Invitation for Bids shall set forth any evaluation criteria to be used in require the submission of bid samples, descriptive It may also provide for literature, technical data, references, licenses, or accomplishing any of the following prior to award: determining product or service acceptability. material. or information
- inspection or testing of a product or service prior to quality e S such characteristics award for

workmanship;

examination of such elements as appearance, finish, taste, or feel; or

iii) other examinations to determine whether it conforms with any other purchase description requirements.

- to purpose of determining whether one bidder's product or determine that a bidder's offering is acceptable as set forth in the Invitation for Bids. Any bidder's offering does not meet the acceptability requirements shall be The acceptability evaluation is not conducted for service capability is superior to another, but only rejected. B)
- set forth in the Invitation for Bids. Only objectively measurable criteria that are set forth in the Invitation for Bids product or service acceptability as set forth in this subsection (j), bids will be evaluated to determine which bidder offers the lowest cost to the OAG in accordance with the evaluation criteria shall be applied in determining the lowest bidder. Examples of such criteria include, but are not limited to, transportation cost and ownership or life-cycle cost formulas. While evaluation be precise predictors of actual future costs, Determination of Lowest Bidder. Following determination need not factors 4)

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reasonable estimates based upon information the OAG has available concerning future use and shall provide for equitable treatment of all bids. Pricing for optional goods or services or for renewal terms may be considered particularly when the pricing for such items terms is unbalanced when compared to other pricing in the bid. they should be, to the extent possible,

Price Negotiation. This Section permits negotiations with the low bidder to obtain a lower price for the item bid.

Documentation of Award ×

Following award, a record showing the successful bidder shall be made

a part of the procurement file. Award to Other Than Low Bidder 1)

The CPO or SPO may award to other than the lowest responsible and goods or services, responsibility of the bidder pursuant to Section 1300.2046 of this Part, any proposed conditions or options and preferences set forth at Subpart O of this Part. The name of the bidder selected, pricing, and the reasons for selecting this bidder responsive bidder upon a written determination that award to another bidder is in the State's best interest. Factors used to determine the State's best interest include but are not limited to the quality of instead of the low bidder must be published in the Bulletin.

Publicizing Award Ê

Section 1300.2020 of this Part, notice of award shall be published in The successful bidder shall be notified of award and such notification may be in the form of a letter, purchase order or other clear communication. In procurements over the small purchase limit set the Bulletin.

# Section 1300.2012 Multi-Step Sealed Bidding

- which bidders submit unpriced technical offers to be evaluated by the OAG, and a second phase in which those bidders whose technical offers are determined to be acceptable during the first phase, have their consisting of a technical first phase composed of one or more steps in Multi-step sealed bidding is a two-phase price bids considered. Definition. a)
  - to invite and evaluate possible diverse technical offers to determine their acceptability to fulfill the purchase description Conditions for Use. The multi-step sealed bidding method may be used when it is not practical to prepare initially a definitive purchase description which will be suitable to permit an award based on price. Multi-step sealed bidding may be used when it is considered desirable:

Q

understanding of the technical offer and purchase description information, permit amendments of technical offers, or amend the obtain jo sesodind requirements and, where appropriate, to conduct discussions for the purchase description. requirements; and 2)

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- pre-bid conference as contemplated by Section 1300.2010 (Competitive Sealed Bidding) and Section 1300.2012 (Multi-Step Sealed Bidding) may Prior to the submission or evaluation of unpriced technical offers, Pre-Bid Conferences in Multi-Step Sealed Bidding be conducted by the CPO or SPO. ς Ο
- Procedure for Phase One of Multi-Step Sealed Bidding g
- hereinafter provided. In addition to the requirements set forth Multi-step sealed bidding shall be initiated by the in Section 1300.2010, the multi-step Invitation for Bids shall issuance of an Invitation for Bids in the form required Section 1300.2010 (Competitive Sealed Bidding), except state:
  - A) that unpriced technical offers are requested;
- unpriced technical offers and, if they are, that such priced whether priced bids are to be submitted at the same time as bids shall be submitted in a separate sealed envelope;
  - that it is a multi-step sealed bid procurement, and priced from those bidders whose unpriced technical offers are found bids will be considered only in the second phase and acceptable in the first phase; ΰ
    - the criteria to be used in the evaluation of the unpriced technical offers; â
- that the OAG, to the extent the CPO or SPO finds necessary, may conduct oral or written discussions of the unpriced technical offers; and (H
- that the item being procured shall be furnished generally in finally acceptable and shall meet the requirements of the accordance with the bidder's technical offer as found to Invitation for Bids. Ē
- offers, and they shall be permitted to submit new unpriced technical offers or to amend those submitted. If, in the opinion change the nature of the procurement, the Invitation for Bids in accordance with Section 1300.2040 (Cancellation of Solicitation; Rejection of Bids or Proposals) of Amendments to the Invitation for Bids. After receipt of unpriced technical offers, amendments to the Invitation for Bids shall be to bidders who submitted unpriced technical of the CPO or SPO, a contemplated amendment will significantly this Part and a new Invitation for Bids issued. cancelled distributed only þe shall 2)
- technical offers submitted by bidders shall be opened in the Bidders may request Receipt and Handling of Unpriced Technical Offers. Unpriced offers shall not nondisclosure of trade secrets and other proprietary presence of at least one witness. Such unauthorized persons. identified in writing. disclosed to 3
  - Evaluation of Unpriced Technical Offers. The unpriced technical offers submitted by bidders shall be evaluated solely in accordance with the criteria set forth in the Invitation for 4)

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Bids. The unpriced technical offers shall be categorized as:

A) acceptable;

potentially acceptable, that is, reasonably susceptible being made acceptable; or

of

unacceptable, in which case the CPO or SPO shall record in writing the basis for finding an offer unacceptable and make it part of the procurement file. Û

The CPO or SPO may initiate Phase Two of the procedure if, in the CPO's or SPO's opinion, there are sufficient acceptable unpriced technical offers to assure effective price competition in the finds that such is not the case, the CPO or SPO may commence second phase without technical discussions. If the CPO or discussions of the unpriced technical proposals. 2)

information amending its technical offer at any time until the closing date established by the CPO or SPO. Such submission may be made at the request of the CPO or SPO or upon the bidder's own conduct discussions with any vendor who submits an acceptable or potentially acceptable technical offer. During the course of such bidder may submit supplemental The CPO or SPO disclose technical offer to the CPO or SPO shall not Discussion of Unpriced Technical Offers. information derived from one unpriced Any such discussions other bidder. (9

þe an additional to When the CPO or offer unacceptable, such offeror shall not be afforded technical opportunity to supplement its technical offer. Unacceptable Unpriced Technical Offer. a bidder's unpriced initiative. determines 7

Procedure for Phase Two ( e

Upon the completion of Phase One, the CPO or SPO shall either: 1) Initiation.

A) open priced bids submitted in Phase One (if priced bids were required to be submitted) from bidders whose unpriced technical offers were found to be acceptable; or

each invite if priced bids have not been submitted, acceptable bidder to submit a priced bid. (B

Phase Two shall be conducted as any other competitive

Conduct.

2)

no public notice need be given of this invitation to sealed bid procurement except: A)

CPO or SPO shall reject the offer. Such technical offer shall be open to public inspection subject to any continuing prohibition on the disclosure of confidential data; and trade secrets and proprietary data in the technical offer of such bidder to determine the validity of any such requests. If after award, the unpriced technical offer of the successful bidder shall be disclosed as follows: The CPO or SPO shall the parties do not agree as to the disclosure of data, examine written requests of confidentiality for priced bids because such notice was previously given; B)

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unpriced technical offers of bidders who are not awarded the contract shall not be open to public inspection. Û

# Section 1300.2015 Competitive Sealed Proposals

- Competitive Sealed Proposals may be used whenever permitted by Code and as described in this Part. a)
- The Competitive Sealed Proposal method of source selection may be used to procure the following categories:

â

- electronic data processing equipment, software, and services;
  - telecommunications equipment, software, and services; consulting services; and
    - 4)
- Competitive Sealed Proposals may be used on a case-by-case basis when it is determined by the CPO or SPO that competitive sealed bidding is either not practicable or advantageous. employee benefits and insurance. ΰ
- Proposals) of the Illinois As used in Procurement Code and this Section, the term "practicable" denotes what may be accomplished or put into practical application, and "advantageous" connotes a judgmental assessment of what is in the practicable, that is, reasonably possible, but not necessarily contract may be entered into by competitive sealed proposals, the SPO shall determine in writing that competitive sealed bidding is either not practicable or not advantageous to the OAG. Competitive sealed bidding may advantageous, that is, in the State's best interest. "Practicable" Distinguished from "Advantageous." Section 20-15 (Competitive Sealed State's best interest.

If competitive sealed bidding is not practicable or is not General Discussion A) 2)

The key element in determining relative advantage is the in two sealed proposal advantageous, competitive sealed proposals should be used. method differs from competitive sealed bidding The competitive need for flexibility. important ways: B)

it permits discussions with competing offerors and changes in their proposals, including price; and

þe among acceptable proposals for to it allows comparative judgmental evaluations award of the contract. made when selecting

οĘ offerors to perform, including degrees of experience or expertise, where the types of supplies or services may require the use of comparative, judgmental evaluations to satisfied involves weighing aesthetic values to the extent that price is a secondary consideration, use of competitive Where evaluation factors involve the relative abilities evaluate them adequately, or where the type of need to sealed proposals is the appropriate procurement method. ວ

Competitive Sealed Bidding Is Not Practicable. Competitive When 3)

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to perform without condition or reservation in accordance with purchase description, delivery or performance schedule, and all other terms and conditions of the Invitation for Bids. considered in determining whether competitive procurement permits award to a low bidder who agrees by its bid sealed bidding is not practicable unless the nature of sealed bidding is not practicable include: Factors to be

whether the contract needs to be other than a fixed-price

whether oral or written discussions may need to be conducted with offerors concerning technical and price aspects of their proposals; B)

whether offerors may need to be afforded the opportunity to revise their proposals, including price; c)

whether award may need to be based upon a comparative (which includes technical and the technical proposal), and contractual factors in order to determine the evaluation as stated in the Request for Proposals of the content of most advantageous offering to the OAG; and differing price, quality performance capability and â

whether the primary consideration in determining award may not be price. (H

determination may be made to use competitive sealed proposals if it is determined that it is not advantageous to the OAG, even to use competitive sealed bidding. Factors to be considered in determining whether competitive sealed Advantageous. When Competitive Sealed Bidding Is Not bidding is not advantageous include: though practicable, 4)

whether prior procurements indicate that competitive sealed proposals may result in more beneficial contracts for the OAG; and

conducting a procurement rather οĘ whether the factors listed in subsection (c)(3) Section are desirable in than necessary. В)

Content of the Request for Proposals q)

The Request for Proposals shall be prepared in accordance with Section 1300.2010 (Competitive Sealed Bidding) provided that it shall also

1) a statement that discussions may be conducted with offerors who submit proposals determined to be reasonably susceptible of being selected for award, but that proposals may be accepted without such discussions; and

a statement of when and how price should be submitted.

Proposals shall not be opened publicly but shall be opened in the presence of at least one witness. Proposals and modifications shall be time-stamped upon receipt and held in a secure place until the established due date. After the date established for receipt of Receipt and Registrations of Proposals ( e

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modifications received, if any, and a description sufficient to οĘ Register of Proposals shall be prepared which shall include for all proposals the name of each offeror, the number of The Register Proposals shall be open to public inspection after award of identify the supply or service item offered. proposals, a contract.

Evaluation of Proposals £)

The Request for Proposals shall state all of the evaluation factors, including 1) Evaluation Factors in the Request for Proposals. price, and their relative importance.

Evaluation. The evaluation shall be based on the evaluation Factors not specified in the Request for Proposals shall not be considered. Numerical rating systems may be used but are not required. factors set forth in the Request for Proposals. 2)

discussions, proposals shall be initially classified as: purpose the For Classifying Proposals. 3)

potentially acceptable, that is, reasonably susceptible of being made acceptable; or A) acceptable;

unacceptable. Ω U

notified SO pe Offerors whose proposals are unacceptable shall promptly. 4)

g) Proposal Discussions with Individual Offerors

Code and this Section, the term "offerors" includes only those are acceptable or For the purposes of Section 20-15(f) with Responsible Offerors and Revisions of Proposals) of the Illinois Procurement The term shall not include businesses "Offerors" Defined. For the purposes of (Competitive Sealed Proposals, Discussion that who submitted unacceptable proposals. proposals submitting potentially acceptable. businesses

Purposes of Discussions. Discussions are held to: 5

A) promote understanding of the OAG's requirements and the offerors' proposals; and

advantageous to the OAG, taking into consideration price and the other evaluation factors set forth in the Request for facilitate arriving at a contract that will be most Proposals.

equal treatment with respect to any opportunity for discussions and revisions of proposals. If during discussions there is a need for any substantial clarification of, or change in, the Request for Proposals, the Reguest shall be amended to incorporate such offeror's price to another) and disclosure of any information Conduct of Discussions. Offerors shall be accorded fair and oral clarification of a proposal shall be reduced to writing by Auction techniques (revealing derived from competing proposals are prohibited. clarification or change. the offeror. 3

Best and Final Offers. The CPO or SPO may request best and final 4)

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final offers. The CPO or SPO may conduct additional discussions or change the OAG's requirements and require another submission of best and final offers. If an offeror does not submit either a notice of withdrawal or another best and final offer, that offers with a common date and time for submission of best and offeror's immediate previous offer will be construed as its and final offer.

P)

An award shall be made by the CPO or SPO pursuant to a written determination showing the basis on which the award was found to be most advantageous to the OAG, based on the factors set forth in the Request for Proposals.

Publicizing Awards ; After a contract is entered into, notice of award shall be posted in the CPO's or SPO's office. When the award exceeds the small purchase limit set in Section 1300.2020 of this Part, notice of award shall be published in the Bulletin.

# Section 1300.2020 Small Purchases

Application a)

Procurements of less than \$10,000 for supplies or services, and less than \$20,000 for professional and artistic services contracts that are source be made without notice, competition or use of any prescribed method of for a nonrenewable term of less than one year, may selection.

In determining whether a contract is under the limit, the value of the contract for the full term and any optional renewals shall be The stated value of the goods or services, plus any goods and services, shall be utilized. Where the term is calculated month-to-month or in a similar fashion, the amount shall be calculated for a twelve month period. utilized. optional Q Q

Procurement requirements shall not be artificially divided to avoid using the other source selection methods set forth in Section 20-5 (Methods of Source Selection) of the Illinois Procurement Code or this ĵ

to be \$10,000 or more, and the agency determines that reprocurement is not appropriate, the procedures for sole source or emergency procurement, If, after signing the contract, the actual need is determined be complied with to is applicable, must additional supplies or services. whichever q

# Section 1300.2025 Sole Source Procurement

Application a)

The provisions of this Section apply to procurement from a sole source unless the estimated amount of the procurement is within the limit set in Section 1300.2020 (Small Purchases) or unless emergency conditions

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exist as defined in Section 1300.2030 (Emergency Procurements) of this

Conditions for Use of Sole Source Procurement Q

only a single supplier or when only one supplier is deemed economically feasible. A requirement for a particular proprietary item does not justify a sole source procurement if there is more than following are examples of circumstances that could necessitate sole Sole source procurement is permissible when a requirement is available one potential bidder or offeror authorized to provide that item. source procurement:

 where the compatibility of equipment, accessories, replacement parts, or service is a paramount consideration;

trial use or sole supplier's items are needed for where a testing;

where a sole supplier's item is to be procured for commercial resale; 3)

where public utility regulated services are to be procured; or 4)

where the item is copyrighted or patented and the item is not 2)

Changes to existing contracts germane to the original contract, which are necessary or desirable to complete the project, and which can be best accomplished by the contract holder, may be procured under this available except from the holder of the copyright or patent. provision. G

source shall be made by the CPO or SPO. Such determination and the basis therefor shall be in writing. Such officer may specify the The determination as to whether a procurement shall be made as a sole explanation as to why no other will be suitable or acceptable to meet Any request to the CPO that a procurement restricted to one potential contractor shall be accompanied by duration and the application of such determination effectiveness. the need. q

to contract with that vendor in the Bulletin at least 14 days prior to The OAG, having defined a sole source, shall publish notice of intent execution of the contract. е е

1) If no challenge to this determination is made by a vendor within the 14-day period, the CPO or SPO may execute a contract with that vendor

If a challenge is received, the CPO or SPO shall consider the CPO or SPO is convinced the sole source designation is not information and shall commence a competitive procurement appropriate, unless an emergency situation now exists.

price, delivery, and terms, and shall maintain a record of sole source The CPO or SPO shall conduct negotiations, as appropriate,

Negotiation in Sole Source Procurement

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the vendor's name;

a listing of the supplies, services, or construction procured the amount and type of the contract;

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under each contract; and

the identification number of the contract file.

# Section 1300.2030 Emergency Procurements

Applications a) The provisions of this Section apply to every procurement over the small purchase limit set in Section 1300.2020 of this Part made under emergency conditions.

Definition of Emergency Conditions (q

1) A procurement may be made under this Section in situations which:

A) public health or safety, including the health or safety of any particular person, is threatened;

further loss or damage to OAG property, or to prevent loss repairs are needed to OAG property to protect against or damage to OAG property; B)

action is needed to prevent or minimize serious disruption in OAG services; ΰ

action is needed to ensure the integrity of State or OAG 0 a supplier of needed goods or services announces bankruptcy, going out of business, or loss of franchise, or gives other similar reason such that making a purchase immediately is in the State's best interest; (E)

commodity items are available on the spot market at prices such that good business judgment mandates a purchase if the spot price must be taken immediately; (H

legal services to assist in the formulation of policy, in of statutory authority are needed sooner than the drafting or evaluating documents, or in determining competitive process would allow; or extent G

οĘ required disclosures shall be made so as not to jeopardize furtherance the OAG. equipment or services are necessary in the covert activities lawfully conducted by those covert activities. (H

an After Unsuccessful Competitive Sealed Bidding or Proposals or to a competitive sealed bid or competitive sealed proposal method price exceeds available funds, and time or other circumstances will not permit Request for Proposals. When bids or proposals received pursuant the delay required to resolicit competitive sealed bids exist after to use competitive sealed bidding, are unreasonable or noncompetitive, or the conditions emergency emergency procurement may be made. if and 2)

Emergency procurement shall be limited to those supplies, services, or construction items necessary to meet the emergency. Scope of Emergency Conditions ς c

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Authority to Make Emergency Procurements

utilized and, whenever practical, approval by the CPO shall be pe Emergency procurements may be made when an emergency condition arises be met through normal procurement methods, making the filings required in Section 20-30 of the contracts shall obtained prior to the procurement. The CPO or SPO shall provided that, whenever practical, existing OAG and the need cannot responsible for Code. q)

Source Selection Methods ( e

Any method of source selection, whether or not identified in the Code or this Part, may be used to conduct the procurement in emergency situations. The procedure used shall be selected to assure that the required supplies, services, or construction items are procured in time to meet the emergency. Such competition as is practicable shall be obtained.

Determination and Record of Emergency Procurement £)

make a written determination stating the basis for an emergency procurement and for the selection of the particular contractor. Such determinations shall be kept in the contract file with a The CPO or SPO responsible for procurement shall copy sent promptly to the CPO. 1) Determination.

Record. A record of each emergency procurement shall be made as soon as practicable and shall include the following information: 2)

the vendor's name; A)

the amount and type of the contract, provided that, if only an estimate of the amount is available immediately, the record shall be supplemented with the final amount once known; a description of what the vendor will do or provide, such as the reasons for using the emergency method of source a listing of the supplies and services to be procured; and ĵ â

selection.

Notice of the emergency procurement shall be published in the Bulletin in accordance with Subpart D of this Part. 3)

# Section 1300.2035 Competitive Selection Procedures

Application a)

those services provided under contract to a State agency by a person professional and artistic services except those professional and other actions or investigations, which are exempt from the requirements of the Code and This Part, "Professional and artistic services" means or business, acting as an independent contractor, qualified by services necessary to prepare for anticipated litigation, enforcement education, experience, and technical ability [30 ILCS 525/1-15.60]. to every procurement provisions of this Section apply

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the services must have obtained the level of education specified in the Request for Proposals.

- "Qualified by experience" means the individual who would perform the services must have the level of general experience specified in the Request for Proposals. 2)
- "Qualified by technical ability" means the individual who would ability in performing services that are the same, similar or closely related in nature to those specified in the Request for perform the services must demonstrate a high degree of skill or Proposals. 3)
- for only the ability, but the talent, of the individual An essential element distinguishing professional and artistic services from other services is confidence, trust, and belief in or creative skills. Contracts for services primarily involving manual skills or labor are not professional and artistic services contracts. (See Illinois Attorney General These services are primarly Oppinion S-256, January 20, 1971.) the service. intellectual performing 4)
  - business entity, the individuals whose education, experience and technical ability provided the basis on which the firm or other If the professional or artistic contract is with a firm or other business entity was selected must meet the qualifications. 2)
- When a State agency requires services that meet the requirements of this subsection (b), the competitive selection procedures Services that do not procured in accordance with other methods of source selection authorized by requirements of this Section must be described in this Section must be followed. meet the (9
- the SPO may determine whether the factors identified in require such services to be procured as professional and artistic categories of services enumerated below shall be considered and procured as professional and artistic services. With regard to other under these competitive selection procedures, or as services that are subject to one of the other methods of source selection authorized by the Code and this Part. The following categories are examples of subsection (b), when applied to particular services to be procured, disciplines that would always be professional and artistic services: the Code and this Part. Û
- accounting;
- medicine;
- clinical psychology. dentistry; and
- Conditions for Use of Competitive Selection Procedures q

Any procurement of such services in an amount of less than \$20,000 and Except as authorized under Section 20-25 (Sole Source Procurement) or Illinois Procurement Code, these competitive selection procedures shall be used for all procurements of professional and artistic services of \$20,000 or more. Section 20-30 (Emergency Procurements) of the

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be procured in accordance with Section 1300.2020 (Small Purchases) of this Part. year may for a nonrenewable term of less than one

Determinations Required Prior to Use of Competitive Selection The CPO shall determine in writing, prior to announcing the need for

( e

any such services:

- that the services to be acquired are professional or artistic;
- the nature of the relationship to be established between the OAG that the OAG has developed, and fully intends to implement, and the vendor by the proposed contract; and 3)
  - written plan for utilizing such services which will be included artistic vendors in accordance with Sections 1300.2044 and 1300.2045 of this Part. Persons may amend statements of qualifications at any The CPO shall maintain a list of prequalified professional in the contractual statement of work. Prequalification

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- Notice of the need for professional and artistic services shall be made by the CPO or SPO in the form of a Request for Proposals. Adequate public notice shall be given as provided in Section 1300.2010 (Competitive Sealed Bidding, Public Notice), and additionally may consist of distributing Requests for Proposals to prequalified persons interested in performing the services required by the proposed Public Notice in Competitive Selection Procedures time by filing a new statement. contract. g 9
- the form following in the CPO and contain at least the þe Contents. The Request for Proposals shall Request for Proposals ρλ information: specified P P
  - the type of services required; A)
- a description of the work involved; B)
- an estimate of when and for how long the services will required; ΰ

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- the type of contract to be used; â
- a date by which proposals for the performance of the services shall be submitted; (E)
- a statement of the minimum information that the proposal shall contain, which shall include: <u>Е</u>
- proposed and, oĘ location of business different, the place of performance of the the the name of the offer or, principal place offeror's contract;
- relevant by the CPO or SPO, the age of the employees over a previous period of time, as specified in the offeror's business and average number of Request for Proposals; if deemed ii)
  - iii) the abilities, qualifications, and experience of all persons who would be assigned to provide the required

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- a listing of other contracts under which services similar in scope, size, or discipline to the required within a previous period of time, as specified in the Request services were performed or undertaken for Proposals; iv)
- giving as much detail as is practical explaining how the services will be performed; plan O D
  - price (to be submitted in a separate envelope in the proposal package and not mentioned elsewhere in the proposal 3
- the factors to be used in the evaluation and selection process and their relative importance. H)
- will not be evaluated until after selection of the most qualified evaluation factors stated in the Request for Proposals. Price vendor. The relative importance of the evaluation factors will Proposals shall be evaluated only on the basis of of services being procured. vary according to the type minimum factors are: Evaluation. 2)
- the plan for performing the required services;
- general experience, specific experience in providing the required services, and the qualifications and abilities of personnel proposed to be ability to perform the services as reflected by technical assigned to perform the services; and education, training
- services currently available or demonstrated to be made the personnel, equipment, and facilities to perform the available at the time of contracting; and
  - a record of past performance of similar work.
    - Pre-Proposal Conferences i.)

ij conducted accordance with Section 1300.2010 (Competitive Sealed Bidding). Pre-proposal conferences, as appropriate, may be

- Receipt and Handling of Proposals Ú,
- Registration. Proposals and modifications shall be sent to the CPO or SPO as directed in the solicitation and shall be time-stamped upon receipt and held in a secure place until the established due date and time, at which time they will be opened by the CPO or SPO. Proposals all proposals, the name of each offeror, the number of modifications received, if any, and a description sufficient to identify the services offered. The register of proposals shall be open to public register of proposals shall be established which shall include, for shall not be opened publicly nor disclosed to unauthorized persons, but shall be opened in the presence of at least one witness. inspection only after award of the contract. Request for Nondisclosure of Data ×
- identified, the head of the agency conducting the procurement or a of trade secrets and other proprietary data so If the offeror selected for award has requested in writing the nondisclosure

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designee of such officer shall examine the request in the proposal to determine its validity prior to entering negotiations. If the parties do not agree as to the disclosure of data in the contract, the CPO or SPO shall reject the proposal.

- Discussions 7
- 1) Discussions Permissible. The CPO or SPO shall evaluate all proposals submitted and may conduct discussions with any offeror. The purposes of such discussions shall be to:
- determine in greater detail such offeror's qualifications;
- explore with the offeror the scope and nature of the performance, and the relative utility of alternative methods required services, the offeror's proposed method of approach.
  - No Disclosure of Information. Discussions shall not disclose any and the agency conducting the procurement shall not disclose any information contained in any proposals until after award of the information derived from proposals submitted by other offerors, awarded the contract shall be open to public inspection. proposed contract has been made. The proposal of 2)
    - Selection of the Best Qualified Offerors Ê

After conclusion of validation of qualifications, evaluation, and discussion, the CPO or SPO shall rank the acceptable offerors in order of their respective qualifications.

- Evaluation of Pricing Data ٦ ا
- Pricing submitted for all acceptable proposals shall be opened and ranked. If the low price is submitted by the most qualified vendor, must state why the qualifications were deemed more important than price and such determination shall be published in the Bulletin. If the price of the most qualified is not low and if it is under \$25,000, the CPO or SPO may award to that vendor. If the price is over \$25,000, the CPO or SPO price shall commence. negotiation of
  - Negotiation and Award of Contract 0
- 1) General. The CPO or SPO shall negotiate a contract with the best qualified offeror for the required services at compensation determined in writing to be fair and reasonable.
- Elements of Negotiation. Contract negotiations shall be directed toward: 2)
  - A) making certain that the offeror has a clear understanding of the scope of the work, specifically, the essential
- necessary personnel and facilities to perform the services requirements involved in providing the required services; determining that the offeror will make available t within the required time; and B)
- agreeing upon compensation that is fair and reasonable, taking into account the estimated value of the required services, and the scope, complexity, and nature of such Û

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- If compensation, contract requirements, and contract documents can be agreed upon with the best qualified offeror, the contract shall be awarded to that offeror, unless the procurement is of Contract with Best Qualified Offeror. Successful Negotiation cancelled.
  - Failure to Negotiate Contract with Best Qualified Offeror. 4)
- be placed in the file and the CPO or SPO shall advise such A) If compensation, contract requirements, or contract documents cannot be agreed upon with the best qualified offeror, a written record stating the reasons therefor shall offeror of the termination of negotiations.
- Upon failure to negotiate a contract with the best qualified offeror, the CPO or SPO may enter into negotiations with the next most qualified offeror, and so on in that manner until an award is made or the procurement is cancelled.
- (d

Written notice of award shall be public information and made a part of the contract file. The CPO shall publish the names of the responsible decision makers of the OAG, the successful vendor, a contract reference number or other identifier, and the value of the contract. Publication shall be in the next available issue of the Bulletin.

# Section 1300,2036 Other Methods of Source Selection

- Split Award a)
- definite quantity required. A split award may be used only when 1) An award of a definite quantity requirement may be split between or among two or more contractors. Each portion shall be for a definite quantity and the sum of the portions shall be the total award to more than one bidder or offeror for different amounts of the same item are necessary to obtain the total quantity or the required delivery.
  - The CPO or SPO shall make a written determination setting forth the reasons for the split award, which determination shall be made a part of the procurement file. 2)
    - Multiple Award ( q
- to more than one bidder or offeror when the OAG is obligated to A multiple award is an award of an indefinite quantity contract order all of its actual requirements from those vendors.
- A multiple award may be made when award to two or more bidders or service, or product compatibility. Any multiple award shall be made in accordance with the provisions of Section 1300.2010 (Competitive Sealed Bidding), Section 1300.2015 (Competitive Sealed Proposals), Section 1300.2020 (Small Purchases), and Awards shall not be made for the purpose of simply dividing the business or to select products or suppliers in accordance with offerors for similar products is necessary for adequate delivery, Section 1300.2030 (Emergency Procurements), as applicable.

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shall be limited to the least number of suppliers necessary to preference unrelated to utility or economy. Any such awards meet the valid requirements of the OAG.

- The OAG shall reserve the right to take bids separately if a particular quantity requirement arises that exceeds its normal requirement or an amount specified in the contract. 3
- If a multiple award is anticipated, the solicitation shall state this fact as well as the criteria for award. 4)
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- competition is not required and the amount payable shall be the amount Notice and Purchases may be made at auction in accordance with the procedural applicable to the particular auction. bid and accepted plus any required buyer's premium. requirements
- Non-governmental Joint Purchase g
- anything covered by the Code. Any method of source selection may be The CPO or SPO may enter into an agreement with a person not eligible for the Governmental Joint Purchasing Act for the joint procurement of used and may be modified or adapted to meet the needs of the non-State
- Federal Requirements ( e
- Requirements of the Code and this Part may be modified or adapted to meet federal requirements.
- the donation, but shall follow the Code and this Part to the extent With approval of the CPO, when the OAG receives a donation that procurement or contracting requirements established as a condition provides the majority of the funding, the OAG may follow practicable. Donations f)

# Section 1300.2037 Tie Bids and Proposals

Tie bids or proposals are those from responsive and responsible vendors that are identical in price or valuation. Tie bids or proposals will be treated as follows: a)

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the Illinois resident vendor shall be given the award. "Illinois resident vendor" has the meaning given in Section 1300.4510 of this Part. In all other situations, the decision shall be made Section. If two or more Illinois resident vendors are tied, If the tied vendors include only one Illinois resident vendor, in accordance with subsections (b)(2) through (5) of

award will be made pursuant to subsections (b)(2) through (5).

If there is a significant difference in responsibility (including additional consideration in determining responsibility if the CPO to provide the service or deliver in the quantity and at A vendor who has had experience in contracting with the State or OAG shall be given or SPO determines that dealing with a vendor that has knowledge the time required), the award will be made to the vendor who deemed to be the most responsible. 2)

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practices and such other factors and with which there has been favorable sites, payment the likelihood State requirements, contracts, job experience increases performance.

If there is no significant difference in responsibility, but there is a difference in the quality of the goods or services offered, the vendor offering the best quality will be accepted. 3)

If there is no significant difference in responsibility and no vendor offering the earliest delivery time will be accepted in any case in which the solicitation specified that the needs of difference in quality of the goods or services offered, the OAG require as early delivery as possible. the 4)

affected bidders agree, if splitting is feasible given the type If the bids or proposals are equal in every respect, the award splitting the award among two or more of the tied bidders is in the best interest of the State. Awards may be split if all increase, if delivery would be better ensured, or if necessary or shall be made by lot unless the CPO or SPO determines that of goods or service requested, if overall pricing would desirable to promote future competition.

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Records shall be made of all procurements on which tie bids or proposals are received, showing at least the following information:

the identification number of the solicitation;

the supply, service, or construction item; and

a listing of all the bidders and the prices submitted. 1)

# Section 1300.2038 Mistakes

General ( p

Corrections to bids, proposals or other procurement processes are allowed, but only to the extent not contrary to the best interest of the State or the fair treatment of other bidders. Mistakes Discovered Before Opening

( q

A vendor may correct mistakes discovered before the time and date set for opening by withdrawing or correcting as provided in this Section. Confirmation of Mistake 0

price unreasonably lower than the others submitted. If the vendor alleges a mistake, the bid or proposal may be corrected or withdrawn been made, such officer shall request the vendor to confirm the include obvious or apparent errors on the face of the document or a When the CPO or SPO knows or has reason to conclude that a mistake has information. Situations in which confirmation should be requested if the conditions set forth in this Section, as applicable, are met. g)

This subsection (d) sets forth procedures to be applied in situations in which mistakes in bids are discovered after the time and date set Mistakes in Bids Discovered After Opening but Before Award for bid opening but before award.

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- of which would not be prejudicial to the OAG (i.e., the effect on allow the bidder to correct them depending on which is in the that is a matter of form or pertains to some immaterial or inconsequential defect or variation of a bid from the exact requirement of the Invitation for Bids, the correction or waiver price, quality, quantity, delivery, or contractual conditions is negligible). The CPO or SPO shall waive such informalities or best interest of the State. Examples of minor informalities as to A minor informality or irregularity is form include the failure of a bidder to: Minor informalities.
  - return the number of signed bids required by the Invitation for Bids;
    - sign the bid, but only if the unsigned bid is accompanied by submission of a bid guarantee or submission of a signed other material indicating the bidder's intent to be bound, including but not limited to signature on an auxiliary form, transmittal letter; or
- acknowledge receipt of an amendment to the Invitation for Bids, but only if: Û
  - it is clear from the bid that the bidder received the amendment and intended to be bound by its terms; or ii) the amendment involved had a negligible effect į
- price, quantity, quality, or delivery. Mistakes Where Intended Correct Bid Is Evident. If the mistake bid document, the bid shall be corrected to the intended correct bid and may not be withdrawn. Examples of mistakes that be clearly evident on the face of the bid document are and the intended correct bid are clearly evident on the face of extending unit prices, transposition errors, and arithmetical errors. in typographical errors, errors 2)
  - Mistakes Where Intended Correct Bid Is Not Evident. A bidder may be permitted to withdraw a low bid if: 3)
    - A) a mistake is clearly evident on the face of the bid document but the intended correct bid is not similarly evident; or
- the bidder submits proof of evidentiary value that clearly and convincingly demonstrates that a mistake was made. В)
- situations in which mistakes in proposals are discovered after receipt This subsection (e) sets forth procedures to be applied in Mistakes Discovered After Receipt of Proposals but Before Award of proposals but before award. e
- with any offeror or after best and final offers are requested, any offeror may freely correct any mistake prior to the date set for conclusion of discussions or During Discussions; Prior to Best and Final Offers. for receipt of best and final offers. discussions are commenced
  - Minor Informalities. Minor informalities, unless otherwise corrected by an offeror as provided in this Section, shall be treated as they are under competitive sealed bidding. 2)

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- subsection (d) above.)
- best and final offers upon which award will be made have been received, mistakes may be corrected and the intended correct Corrections of Mistakes. If discussions are not held or if the offer considered only if: 3)
  - the mistake and the intended correct offer are clearly evident on the face of the proposal, in which event the proposal may not be withdrawn; or A)
- proposal, but the offeror submits adequate proof that would not be contrary to the fair and equal clearly and convincingly demonstrates both the existence of the mistake is not clearly evident on the face of a mistake and the intended correct offer, correction would not be contrary to the fair treatment of other offerors. B)
- best and final offers upon which award will be made have been proposal Withdrawal of Proposals. If discussions are not held, or if the received, the offeror may be permitted to withdraw 4)
- mistake is clearly evident on the face of the proposal and the intended correct offer is not; the A)
- the offeror submits proof of evidentiary value that clearly convincingly demonstrates that a mistake was made but does not demonstrate the intended correct offer; or and B)
- the offeror submits adequate proof that clearly and convincingly demonstrates the intended correct offer, but to allow corrections would be contrary to the fair and equal treatment of other offerors. Û
  - Mistakes Discovered After Award £)
- where the CPO or SPO finds it would be unconscionable not to allow the mistake to be corrected, such as obvious typographical or calculation Mistakes shall not be corrected after award of the contract except
- Determinations Required 6
- When a proposal is corrected or withdrawn, or correction or withdrawal showing that relief was granted or denied in accordance with this Part. The CPO or be prepared is denied, a written determination shall SPO shall prepare the determination.

#### or Bids of Solicitations; Rejection of 1300.2040 Cancellation Proposals Section

- Scope of this Section a)
- solicitations whether issued by the OAG under competitive sealed bidding, competitive sealed proposals, small purchases, or any other source selection method, and rejection of bids or proposals in whole The provisions of this Section shall govern the cancellation of any or in part.
  - Policy Q

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Any solicitation may be cancelled when the CPO or SPO believes the State's best interest. (See subsection (c)(2) below.) Nothing shall compel the award of a contract. be in cancellation to

- Cancellation of Solicitation; Rejection of All Bids or Proposals Prior to Opening ς υ
  - As used in this Section, "opening" means the date set for opening of bids, receipt of unpriced technical offers in multi-step or receipt of proposals in competitive sealed sealed bidding, proposals. 7
- part when the CPO or SPO determines in writing that such action is in the State's best interest for reasons including, but not Prior to opening, a solicitation may be cancelled in whole or limited to: 2)
- A) the OAG no longer requires the supplies, services, or construction;
- the OAG no longer can reasonably expect to fund the procurement; or B)
- such of þe proposed amendments to the solicitation would magnitude that a new solicitation is desirable. Ω
  - a solicitation is cancelled prior to opening, notice of cancellation shall be sent to all businesses solicited. When 3)
    - The notice of cancellation shall: identify the solicitation; A) 4)
- briefly explain the reason for cancellation; and G ()
- where appropriate, explain that an opportunity will be given to compete on any resolicitation or any future procurements similar supplies, services, or construction.
- Cancellation of Solicitation; Rejection of All Bids or Proposals After Opening q)
- 1) After opening but prior to award, all bids or proposals may be writing that such action is in the State's best interest, for SPO determines rejected in whole or in part when the CPO or reasons including, but not limited to:
  - the supplies, services, or construction being procured is no A)
    - ambiguous or otherwise inadequate specifications were part of the solicitation; longer required; B)
- the solicitation did not provide for consideration of all factors of significance to the OAG; ĵ
- appropriate to adjust quantities to come within available finds: â
- are all otherwise acceptable bids or proposals received clearly unreasonable prices; or (E)
  - there is reason to believe that the bids or proposals may may have been collusive, or may have been submitted in bad competition, not have been independently arrived at in open Eaith. (E)

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- When the solicitation is cancelled or when all bids or proposals rejected, all vendors who submitted bids or proposals shall be sent a notice informing them of the cancellation or rejection. 2)
- The reasons for cancellation or rejection shall be made a part of the procurement file and shall be available for public inspection. ( e
- General. This subsection (f) applies to rejections of individual Rejection of Individual Bids or Proposals

£)

Notice in Solicitation. Each solicitation issued by the OAG in whole shall provide that any bid or proposal may be rejected bids or proposals in whole or in part. 2)

or in part when in the best interest of the State as provided in

- Reasons for rejecting a bid or proposal may include, but are not Reasons for Rejection. this subsection (f). limited to: 3)
- A)
- nonresponsible as determined under Section 1300.2046 of this Part;
- the bid or proposal is not responsive, that is, it does not conform in all material respects to the solicitation; B)
- the proposal ultimately (that is, after any opportunity has 40 meet the announced requirements of the OAG in some material passed for altering or clarifying the proposal) fails ô
- reason of its failure to meet the requirements of the specifications or permissible alternates or other acceptability criteria set forth in the Invitation the supply or service item offered in the bid ρλ unacceptable for Bids; or â
- the proposed price is clearly unreasonable.
- Upon request, unsuccessful bidders or offerors shall be advised of the reasons for rejection. Disposition of Bids or Proposals Notice of Rejection. 4) 6
- bids or proposals are received, the bids or proposals that have been When bids or proposals are rejected, or a solicitation cancelled after opened shall be retained in the procurement file, or if unopened, returned to the bidders or offerors upon request, or otherwise disposed of.

# SUBPART F: SUPPLIERS, PREQUALIFICATION AND RESPONSIBILITY

# Section 1300.2043 Suppliers

- The OAG may contract with any qualified source of supply, but must give preference to Directed Sources, and should consider the following Special Sources. a)
  - Directed Sources -- State-Produced Supplies or Service Q

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- Industries must be purchased by the OAG. The CPO shall determine whether such supplies or services meet the OAG's requirements and whether the price represents a fair market value for such The CPO, in conjunction with the by Correctional which Department of Corrections, shall determine services performed, if any, Correctional Industries. supplies or services. OF 1)
  - Supplies and services available from the Central Management Services will be utilized unless the CPO authorizes procurement program operations of the Department of Central Services. from other sources. 2)
- Special Sources c)
- Prior to any equipment procurement, the OAG will consider property available from the State and Federal Surplus Warehouses that are under the jurisdiction of the Department of Central Management Services. 1)
- Various goods and services are available from qualified workshops Information regarding qualified for the disabled and procurement from these workshops encouraged. Notice and competition is not required pursuant workshops will be obtained from DCMS. Section 45-35 of the Code. 2)
- Various goods and services are available from State Agencies and other governmental units. These may be procured without notice and competition. 3)

# Section 1300.2044 Vendor List/Required Use

- The CPO may maintain a list of vendors interested in doing business with the OAG. Lists of names and addresses of bidders shall be available for public inspection. a)
- does not indicate whether the business is responsible in respect to a Inclusion or exclusion from the vendor list of the name of a business particular procurement or otherwise capable of successfully performing a State contract. Q)
  - on the vendor list for goods or services in question, except in the Invitations for Bids and other solicitations will be sent to vendors ΰ
    - 1) The vendor does not sell the particular commodity or equipment; following cases:
- without soliciting the entire vendor list, the OAG may, if it determines that the best interest of the State would be served, When the number of vendors for a procurement classification is of such magnitude that optimum prices may reasonably be expected rotate the selection from the list on any equitable basis; or
- interests of the State will be served by so doing (example: The Invitations for Bids may be confined to bidders in a limited geographical service area, when the OAG determines that the best of ready-mix concrete, perishables, and equipment requiring periodic service). 3)

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The CPO or SPO in the OAG may alternatively refer to vendor lists maintained by DCMS. q

# Section 1300.2045 Prequalification

- General a)
- CPO may require that vendors be prequalified as a condition of being placed on the bid list. If so, vendors shall be given opportunity to prequalify, and whether prequalification will be a condition of bidding or being awarded a contract, shall be to prequalify at least one time per year. an opportunity 1) The
  - The fact that a prospective vendor has been prequalified does not finding of responsibility for ್ announced in the Bulletin. necessarily represent particular procurement. 5)
- in the case of professional and artistic services, distribution of and responses to the solicitation may be limited to pregualified vendors and award of a contract may be denied because a vendor was not prequalified. Except 3)
- actively solicit persons engaged in providing such services to submit annual statements of qualifications in a prescribed format that shall When the services are needed on a recurring basis, the CPO shall Professional and Artistic Services include the following information: (q
  - 1) technical education and training;
- general or special experience, certifications, licenses, and 2)
- professional memberships in professional associations, societies, or boards; an expression of interest in providing a particular 3)
  - any other pertinent information requested by the CPO or SPO. or artistic service; and
- Section 1300.2050 in products lists are treated (Specifications and Samples) of this Part. Qualified Products Lists Qualified c)

# Section 1300.2046 Responsibility

- Application a)
- Contracts are to be made only with responsible vendors unless no responsible vendor is available to meet the OAG's needs. If there is doubt about responsibility, and if a bond or other security would adequately protect the State's interests, then that vendor may be awarded a contract upon receipt of the bond or other security. (q
- 1) Standards. Factors to be considered in determining whether the standard of responsibility has been met include whether a Standards of Responsibility
- equipment, facility, and personnel resources and expertise material, financial, appropriate the A) has available prospective vendor:

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(or the ability to obtain same) necessary to indicate its capability to meet all contractual requirements;

- comply with required or proposed delivery or consideration performance schedules, taking into considers existing commercial and governmental commitments; is able to B)
- has a satisfactory record of performance. Vendors who are have been deficient in current or recent contract performance in dealing with the State or other customers may be deemed "not responsible" unless the deficiency is shown to have been beyond the reasonable control of the vendor; Û
  - Vendors who are under investigation or indictment for criminal or civil actions that bear on the particular or that would make contracting with that vendor has a satisfactory record of integrity and business ethics. for undesirable may be declared not responsible particular procurement; procurement â
- has supplied all necessary information in connection with is qualified legally to contract with the State; (E)
  - the inquiry concerning responsibility;
- has a current Public Contracts number from the Illinois Department of Human Rights pursuant to 44 Ill. Adm. Code Proof of application prior to opening of bids or proposals will be sufficient for an initial 250.210, if required. determination; and G
  - pays prevailing wages, if required by law.
- Information Pertaining to Responsibility. The prospective vendor shall supply information requested by the CPO or SPO concerning the responsibility of such vendor. The State may supplement this documentation at any time. If such vendor fails to supply the determination of responsibility upon any available information, information from other sources and may require SPO shall or may find the prospective vendor nonresponsible. or requested information, the CPO 2)
  - ς Ο

The prospective vendor may demonstrate the availability of necessary personnel by expertise, and facilities, Ability to Meet Standards submitting upon request: equipment,

- 1) evidence that such vendor possesses such necessary items;
- a documented commitment from, or explicit arrangement with, a acceptable plans to subcontract for such necessary items; or 3)
  - satisfactory source to provide the necessary items. Duty Concerning Responsibility q
- Before awarding a contract, the CPO or SPO must be satisfied that the prospective vendor is responsible. Responsibility can be proven until time of award or execution of contract, whichever is later.
  - If a vendor who otherwise would have been awarded a contract is found nonresponsible, a written determination of nonresponsibility setting Written Determination of Nonresponsibility Required ( e

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forth the basis of the finding shall be prepared by the CPO or the SPO. A copy of the determination shall be sent promptly to the nonresponsible vendor. The final determination shall be made part of the procurement file.

- f) Vendors not that the properties of performance may be considered responsible if no other disqualifying factors exist. A bond or other security may be required for such bidders.
- y) Vendors who are newly formed business concerns having substantially the same owners, officers, directors, or beneficiaries as a previously existing nonresponsible vendor will be declared nonresponsible unless the new organization can prove it was not set up for the purpose of avoiding an earlier declaration of nonresponsibility.

# SUBPART G: BID, PROPOSAL AND PERFORMANCE SECURITY

# Section 1300.2047 Security Requirements

- a) The CPO or SPO may require that a vendor furnish bid, proposal, or performance security on OAG contracts. Whenever security is required, except as provided herein, the procurement document will clearly
- indicate the type and amount of security.

  b) Security, unless otherwise specified, may be in the form of cashier's check, certified check, money order, irrevocable letter of credit or bond. Any bond must be issued by a surety company authorized to do business in the State of Illinois.
  - c) Unless the amount is set by law, the CPO or SPO will determine the amount, in dollars or percentage of contract price, that will adequately protect the State's interests.
- d) A vendor may be required to furnish up to 100% performance security at any time during contract performance and at its cost, if it appears that delivery or production schedules cannot be met, quality is poor, responsibility is questioned and for similar reasons.
  - e) Permissive/Mandatory Security
- Bid or proposal security is permissive on any contract but is not appropriate on emergency or sole source procurements.
  - 2) Performance security is permissive on any contract and recommended on contracts calling for advance payment.
- recommended on contracts calling for advance payment.

  3) Performance security is required on all public works contracts.

  f) A vendor may submit a single or continuous security each year that will be applicable on all contracts of the OAG. When such security has been obligated in an amount equal to the sum of accumulated security requirements, additional security must be submitted.
- g) Bid or proposal security will be returned to unsuccessful vendors as soon after award as possible. The bid or proposal security of the successful vendor will be returned after contracts have been signed and performance security, if any, submitted. Performance security will be returned upon full performance.

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# SUBPART H: SPECIFICATIONS AND SAMPLES

# Section 1300.2050 Specifications and Samples

- a) CPO's Responsibilities Regarding Specifications
- 1) The CPO or SPO is authorized to write specifications for procurements for the OAG.
- When a written determination is made by the CPO or SPO authorized
  to prepare such specifications that there will be no substantial
  conflict of interest involved and it is otherwise in the best
  interest of the State, a contract to prepare specifications for
  OAG use in procurement of supplies or services may be entered
  into provided the CPO or SPO retains the authority to finally
  approve the specifications.
- products list exists for an item to be procured under Section 20-20 of the Code (Small Purchases), it shall be used except as otherwise authorized by the CPO. If no such specification for use in such purchases. In an emergency under Section 20-30 of the Code (Emergency Procurements), any necessary specification may be utilized by the CPO or SPO is hereby granted the authority to prepare specification for use in such purchases. In an emergency under Section 20-30 of the Code (Emergency Procurements), any necessary specification may be utilized by the CPO or SPO without regard to the provisions of this Subpart.
  - b) Procedures for the Development of Specifications
- 1) If a specification for a common or general use item has been developed or a qualified products list has been developed in accordance with this Section for a particular supply or service, it shall be used unless the CPO authorizes use of another
- specification.

  2) All procurements shall be based on specifications that accurately reflect the OAG's needs. Specifications shall clearly and precisely describe the salient technical or performance requirements.
- 3) Specifications shall not include restrictions that do not significantly affect the technical requirements or performance requirements, or other legitimate OAG needs. All specifications shall be written in such a manner as to describe the requirements to be met, without having the effect of exclusively requiring a proprietary supply or service, or procurement from a sole source, unless no other manner of description will suffice.
- 4) Any specifications or standards adopted by business, industry, not-for-profit organization or governmental unit may be adopted
- 5) A specification may provide alternate descriptions where two or more design, functional, or performance criteria will satisfactorily meet the OAG's requirements.
  - c) Brand Name or Equal Specification
- 1) Brand name or equal specifications may be used when the CPO or

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SPO determines in writing that:

- no specification for a common or general use specification or qualified products list is available; A)
- time does not permit the preparation of another form of specification, not including a brand name specification; B)
- the nature of the product or the nature of the OAG's requirement makes use of a brand name or equal specification G
- use of a brand name or equal specification is in the State's suitable for the procurement; or (a
  - Brand name or equal specifications shall seek to designate more than one brand as "or equal", and shall further state that substantially equivalent products to those designated will be considered for award. best interest. 2)
- Unless the CPO or SPO authorized to characteristics of the brand names included in the specifications are commonly known in the industry or trade, brand name or equal specifications shall include a description of the particular design, functional, or performance characteristics that are the that determines Required Characteristics. specifications approve 3
- Nonrestrictive Use of Brand Name or Equal Specifications. Where the solicitation shall contain explanatory language that the use submissions will not be rejected because of minor differences in a brand name or equal specification is used in a solicitation, quality, performance, and characteristics desired and is not Burden of proof of a brand name is for the purpose of describing the standard of design, construction or features that do not affect competition. suitability of the product for its intended use. that the product is equal is on the bidder. to limit or restrict 4)
  - Brand Name Only Specification g)
- name alone may be specified in order to ensure compatibility in brand name item or items will satisfy the OAG's needs. Brand A brand name only specification may be used only when the CPO or SPO makes a written determination that only the identified existing systems, to preserve warranty, to ensure maintenance, or as authorized in writing by the CPO or SPO.
  - Section If only one source can supply the The CPO or SPO shall seek to identify sources from which the designated brand name item or items can be obtained and shall solicit such sources to achieve whatever degree requirement, the procurement shall be made 1300.2025 (Sole Source Procurement). competition is practicable. 2)
    - Qualified Products List ( e
- or SPO authorized to develop qualified products lists, when testing or examination of the supplies prior Use. A qualified products list may be developed with the approval of the CPO 7

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to issuance of the solicitation is desirable or necessary in order to best satisfy OAG requirements.

- Solicitation. When developing a qualified products list, a representative group of potential suppliers shall be solicited in determine acceptability for inclusion in a qualified products list. Any potential supplier, even though not solicited, may offer its products for consideration during the time allowed for Solicitation. When developing a qualified products list, writing to submit products for testing and examination testing and examination. 2)
- list shall be based on results of tests or examinations conducted Testing and Confidential Data. Inclusion on a qualified products in accordance with established requirements. Except as otherwise information provided by the supplier will be kept confidential data, and provided by law, trade secrets, test when requested in writing by the supplier. 3)
  - Proven Products £)

The supply or service may be rejected if it has not been offered to other governmental or commercial accounts for at least one year. Specifications may require that the supply or services must have been used in business or industry for a specified period of time to be considered.

OAG Required Samples 6

- solicitation with transportation prepaid by the vendor. Each sample must be labeled with the vendor's name, address and a Any required samples must be submitted as instructed in the means of matching the sample with the applicable bid or proposal.
- Samples submitted by a successful vendor will be retained to check continuing quality. Submission of samples will not limit Any sample submitted must be representative of the item that would be delivered if a contract were awarded for that item. the OAG's right to require adherence to specifications. 2)
- No payment will be made for OAG Required Samples. Samples not destroyed or consumed by examination or testing will be returned upon request at vendor's expense. Such request must be made at provisions time of submission with return collect or prepayment and instructions for return of the samples. 3
  - Product Demonstration ч (

service. Agreement to allow such demonstration will be solely at the OAG's discretion and will not entitle the bidder to a contract nor shall payment for the demonstration be allowed unless a written Any vendor may request time and space to demonstrate a product or contract had been executed prior to the demonstration.

Specifications Prepared by Other Than OAG Personnel ī.

consultants, architects, engineers, designers, and other drafters of specifications for public contracts. Contracts for the preparation of specifications by other than OAG personnel shall 1) Specifications may be prepared by other than OAG personnel, other State to, including, but not limited

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require the specification writer to adhere to the Code and OAG requirements.

2) The person who prepared the specifications shall not submit a bid or proposal to meet the procurement need unless the CPO or SPO determines in writing that it would be in the best interest to accept such a bid or proposal from that person and a notice to that effect is provided to the CPO and is published in the Bulletin. The CPO may disapprove that determination.

# SUBPART I: CONTRACT TYPE

# Section 1300.2055 Types of Contracts

- a) Scope of Rule
- This Section contains descriptions of types of contracts and limitations as to when they should be utilized by the OAG in its procurements.
  - b) Prohibitions.
    The Cost-Plus-a-Percentage-of-Cost Contracting
    The Cost-nine-a-nearon-tendence cost contracting
- The cost-plus-a-percentage-of-cost contract is prohibited by Section 20-55 (Types of Contracts) of the Illinois Procurement Code and by this Part. This type of contracting may not be used alone or in conjunction with an authorized type of contract.
  - c) Types of Fixed-Price Contracts
- Firm Fixed-Price Contract. A firm fixed-priced contract provides a price that is not subject to adjustment because of variations in the contractor's cost of performing the work specified in the contract.
- 2) Fixed-Price Contract with Price Adjustment.
- A) A fixed-price contract with price adjustment provides for variation in the contract price under special conditions defined in the contract, other than customary provisions authorizing price adjustments due to modifications to the work. The formula or other basis by which the adjustment in contractor price can be made shall be specified in the solicitation and the resulting contract. Adjustment allowed may be upward or downward only, or both upward and downward. Examples of conditions under which adjustments may be provided in fixed-price contracts are:
  - i) changes in the contractor's labor agreement rates as applied to industry or areawide (such as are frequently found in State contracts for the purchase of coal);
- ii) changes due to rapid and substantial price fluctuations, which can be related to an accepted index (such as contracts for gasoline, heating oils, and dental gold alloy); and
- iii) in requirement contracts (subsection (g)(3) of this Section) when a general price change applicable to all

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customers occurs, or when a general price change alters the base price (such as a change in a manufacturer's published price list or posted price to which a fixed discount is applied pursuant to the contract to determine the contract price).

- B) If the contract permits unilateral action by the contractor to bring about the condition under which a price increase may occur, the OAG shall have the right to reject the price increase and terminate without cost the future performance of the contract.
  - d) Cost-Reimbursement Contracts
- 1) Determination Prior to Use.
- A) A cost-reimbursement type contract may be used only when the CPO or SPO determines in writing that such a contract is likely to be less costly to the OAG than any other type or that it is impracticable to obtain otherwise the supplies, services, or construction.
- B) Reimbursement of travel expenses in accordance with applicable travel control board regulations is authorized without further determinations.
- Cost Contract. A cost contract provides that the contractor will be reimbursed for allowable costs incurred in performing the contract, but will not receive a fee.
- greater or less than the initial estimated cost established for contract is modified to provide for an increase or decrease in Eixed fee in addition to reimbursement of allowable incurred costs. The fee is established at the time of contract award and such work. Thus, the fee is fixed but not the contract amount because the final contract amount will depend on the allowable costs reimbursed. The fee is subject to adjustment only if the cost-plus-fixed-fee contract can be either a Completion Form or Cost-Plus-Fixed-Fee Contract. This is a cost-reimbursement type contract that provides for payment to the contractor of an agreed does not vary if the actual cost of contract performance contract. the work specified in οĘ the scope Term Form. 3)
- 4) Cost Incentive Contracts.
- A) General. A cost-incentive type of contract provides for the reimbursement to the contractor of allowable costs incurred up to the ceiling amount and establishes a formula whereby the contractor is rewarded for performing at less than target cost (that is, the parties' agreed best estimate of the cost of performing the contract will vary inversely with the actual, allowable costs of performance and consequently is dependent on how effectively the contractor controls cost in the performance of the contract).
  - B) Fixed-Price Cost-Incentive Contract. In a fixed-price cost-incentive contract, the parties establish at the outset

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performance equals the target cost), a formula that provides a percentage increase target cost, and a ceiling price. After performance of the contract, the actual cost of performance is arrived at based on the total incurred allowable costs as provided in the performance. The final contract price may not exceed the ceiling price. The contractor is obligated to complete performance of the contract, and, if actual costs exceed the a target profit (that is, the profit that contract. The final contract price is then established or decrease of the target profit depending on whether actual cost of performance is less than or exceeds accordance with the formula using the actual cost ceiling price, the contractor will suffer the loss. will be paid if the actual cost of target cost,

parties establish at the outset a target cost; a target fee; a formula for increase or decrease of fee depending on whether actual cost of performance is less than or exceeds contractor continues performance until the work is complete including any modification thereof, whichever first occurs. target cost, with maximum and minimum fee limitations; and a cost ceiling that represents the maximum amount that or costs reach the ceiling specified in the contract, After performance is complete or costs reach the ceiling, the total incurred, allowable costs reimbursed as provided in the contract are applied to the formula to establish the the OAG is obligated to reimburse the contractor. Contract with Cost-Incentive Fee. cost-reimbursement contract with cost-incentive fee, incentive fee payable to the contractor. Cost-Reimbursement ົວ

Performance Incentive Contracts ( e

In a performance incentive contract, the parties establish at the outset a pricing basis for the contract, performance goals, and a formula that varies the profit or the fee if the specified performance For example, early completion may entitle the contractor to a bonus, while late completion may entitle goals are exceeded or not met. the OAG to a price decrease.

Time and Materials Contracts; Labor Hour Contracts £)

- Labor hour contracts provide Such contracts shall, to the extent possible, contain a stated ceiling or an estimate that shall Time and materials contracts provide an agreed basis for payment for materials supplied and labor performed. only for the payment of labor performed.
  - Definite Quantity. A definite quantity contract is a fixed-price contract that provides for delivery of a specified quantity of Definite Quantity and Indefinite Quantity Contracts not be exceeded without prior OAG approval. <u>б</u>
- contract for an indefinite amount of supplies or services to be supplies or services either at specified times or when ordered. Indefinite Quantity. An indefinite quantity contract is 2)

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stated in the solicitation. The contract may provide a minimum quantity the OAG is obligated to order and may also provide for a quantity or the best information available as to quantity is maximum quantity provision that limits the OAG's obligation to furnished at specified times, or as ordered, that establishes Generally an approximate unit prices of a fixed-price type.

- Requirements Contracts. A requirements contract is an indefinite quantity contract for supplies or services that specifically obligates the OAG to order all the actual requirements of the OAG during a specified period of time. 3)
  - h)

A lease is a contract for the use of supplies or real property under which title will not pass to the State at any time.

Recovery Contracts

Contracts may provide for payment to the vendor of a percentage of the percentage may be fixed or may vary depending on amount of recovery or other factors, and the percentage may be paired with a fixed price or amount the vendor recovers or collects on behalf of the State. cost reimbursement method. į)

Option Provisions j)

without taking other procurement action when the option is be included in the solicitation. These options may be exercised renewal, extension, or purchase, notice of such provision shall Contract Provision. When a contract is to contain an option established for exercise at the OAG's option.

exercised only if the lease containing the purchase option was proposals, the leased supply or facility is the only supply or facility that can meet the OAG's requirements, or if the purchase competitive sealed option price is less than the small purchase limit or Lease with Purchase Option. A purchase option in a lease may awarded under competitive sealed bidding or emergency conditions exist. 2)

State Produced Supplies and Services Š

Notwithstanding any provision in any contract, supplies or services available from the State's own programs, such as Correctional Industries, may be ordered without violating any contract.

Extraordinary Quantities 7

right to take bids separately if a particular quantity requirement Notwithstanding any provision in any contract, the OAG reserves the arises that exceeds the OAG's normal needs or ordering requirements.

Energy Conservation E

shall require a clearly defined baseline of energy usage and method of measuring cost savings taking into account at least differing weather The CPO may authorize an Invitation for Bids, Request for Proposals or sole source negotiation for energy conservation measures whereby the OAG would make payment based on utility cost savings. Such contract conditions, changes in facility, usage and cost of energy.

# NOTICE OF ADOPTED RULES

# SUBPART J: DURATION OF CONTRACTS

# Duration of Contracts - General Section 1300.2060

#### General a)

- 1) A multi-term contract for a term up to 10 years is authorized when it is in the best interest of the State.
- including for a perpetual term, provided the payment term is A software license may have a term longer than 10 years, limited to no more than 10 years. 2)
- further payment being required by, the OAG. This provision applies to only those contracts that are funded in whole or in part by funds obligation of both parties in each fiscal period succeeding the first is subject to the appropriation and availability remainder of such contract shall be cancelled without penalty to, or appropriated by the Illinois General Assembly or other governmental of funds therefor. The contract shall provide that, in the event that funds are not available for any succeeding fiscal period, contractual entity. The ( q
- Conditions for Use of Multi-Term Contracts ô
- 1) special production of definite quantities or the furnishing of A multi-term contract may be used when:
- by encouraging effective competition or otherwise promoting economies in OAG procurement. The following factors are among those relevant to such a determination: a multi-term contract will serve the best interests of the State long-term services are required to meet OAG needs; or 2)
- competition when they are assured of recouping such costs high start-up costs or capital investment in facility firms that are not willing or able to compete because of in expansion will be encouraged to participate during the period of contract performance;
- performance over a longer period of time, can be expected to lower production costs because of larger quantity of service of production requirements, and substantial continuity B)
- result in lower unit prices; stabilization of the contractor's work force over a longer period of time may promote economy and consistent quality; ΰ
  - the cost and burden of contract solicitation, award, and administration of the procurement may be reduced. â
    - Multi-Term Contract Procedure g
      - The solicitation shall state:
- proposed the the amount of supplies or services required for the proposed term; contract period; 1)
  - whether bidders or offerors may submit prices for: 3)
    - A) the first fiscal period only;

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- the entire time of performance only; or B)
- of entire time first fiscal period and the performance; and both the ô
  - a multi-term contract may be awarded and how award will be determined. that 4)

#### Renewals ( e

- procurement activity, provided the initial term and the exercised escalations tied to an index) and the option is reserved solely Where the original procurement specifically called for an initial renewals may not exceed 10 years, the terms and conditions do not term plus renewals, the renewals may be exercised without further (such as change except as provided in the contract to the OAG.
- Where the original procurement was silent as to renewals, the emergency procurements as set forth in the Code and this Part. renewal must be within the guidelines for small, sole source 2)

# SUBPART K: CONTRACT MATTERS

# Section 1300.2560 Prevailing Wage

- For the following classifications and if competition exists, no bidder be awarded a contract unless its employees are paid wages and benefits and are working under conditions prevalent in the location where the work is to be performed. will a)
- Public works 1
- Printing
- Janitorial cleaning, window washing, food and security guard services having a monthly contract price of \$200 or more yearly price of \$2,000 or more.
  - overtime, holiday pay, pension, welfare, premium differential, vacation pay and other benefits received by employees and the premium differential, Prevailing wage and conditions prevalent means the hourly wage rate, environmental conditions under which they work. Q
- on the first date of the contract, provided that if the rate changes during the contract term and the amount of change is known before will be increased by the amount of the rate change or the agency may The amount that may vary includes all components contracts may be entered into and will remain valid for the stated Prevailing wage rates, benefits and conditions will be those in effect of the contract, then the contract rate will vary in like amount. If the increase cannot be determined in advance, the contract that are dependent on the usage rate, provided that profit shall not increase due to prevailing wage increases. If the initial determined prior to execution, cannot be prevailing wage, etc., cancel the contract. execution of price Û
- If a collective bargaining agreement is in effect governing the type of printing, janitorial cleaning, window washing, food or security q)

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benefits and conditions that must be paid in order for a bidder to be guard service sought, that agreement will define minimum wages, considered responsible.

- For Public Works, location means the county where the physical work upon public works is performed, except that if there is not available properly, "locality" includes any other county nearest the one in workers and mechanics to construct the public works efficiently and which the work or construction is to be performed and from which such in the county a sufficient number of competent skilled laborers, For Printing Contracts, location means one of the following areas: persons may be obtained in sufficient numbers to perform the work. e e
  - Cook County f)
- Fulton, Grundy, Hancock, Henderson, Henry, Iroquois, Jo Daviess, Kane, Kankakee, Kendall, Knox, Lake, LaSalle, Lee, Livingston, Boone, Bureau, Carroll, Champaign, DeKalb, DeWitt, DuPage, Ford, Logan, Marshall, Mason, McDonough, McHenry, McLean, Mercer, Ogle, Peoria, Piatt, Putnam, Rock Island, Schuyler, Stark, Stephenson, Will, Winnebago, Whiteside, Warren, Vermilion, Woodford.
- Monroe, Montgomery, Morgan, Moultrie, Perry, Pike, Pope, Pulaski, Randolph, Richland, Saline, Sangamon, Scott, Shelby, St. Clair, Greene, Menard, Christian, Clinton, Coles, Crawford, Cumberland, Douglas, Gallatin, Lawrence, Macon, Macoupin, Madison, Marion, Massac, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Union, Wabash, Washington, Wayne, White, Williamson. Adams, Alexander, Bond, Brown, Calhoun, Cass, Franklin, Effingham, Fayette, Clay, 3)
  - produced in the Illinois locality to which the largest jurisdiction of this State, it shall be deemed produced in the Where such printing is required to be delivered to more than one Illinois locality, such printing shall dollar volume of printing under the contract is to be delivered. Illinois locality in which delivery of the printing ordered outside Where the printing is performed in a plant to be made. be deemed required 4
- janitorial cleaning, window washing, food and security guard services, location means the county in which the work is performed. 6
  - Prevailing wages, benefits and conditions will be determined by the Director of the Illinois Department of Labor. q

# SUBPART L: CONTRACT PRICING

# Section 1300.2800 All Costs Included

Unless otherwise allowed by the solicitation, prices quoted shall be all inclusive covering transportation, transit insurance, delivery, installation, taxes, and any other costs.

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# SUBPART N: REAL PROPERTY LEASES AND CAPITAL IMPROVEMENT LEASES

# Section 1300,4005 Real Property Leases and Capital Improvement Leases

accordance with Article 40 of the Code, this Part and 44 Ill. Adm. Code 5000. In the event of a conflict, 44 Ill. Adm. Code 5000 shall prevail. leases shall improvement capital Real property leases and

# Section 1300.4010 Renewal

The renewal or extension of leases in effect before July 1, 1998 shall be in accordance with Section 40-15 of the Code.except that Section 40-15(b)(5)(ii) and (iii) shall not apply.

# SUBPART O: PREFERENCES

# Section 1300.4505 Procurement Preferences

conducting evaluations and The procurement preferences identified in Article 45 of considered in developing procurement documents, drafting contracts.

# Section 1300.4510 Resident Bidder Preference

- authorized to transact business in this State and having a bona fide establishment for transacting business within this State at which it was actually transacting business on the date when any competitive including a foreign corporation duly authorized to transact business establishment for transacting business within this State at which it was actually transacting business on the date when any competitive solicitation for a public "Illinois resident vendor" as used in this Section means a person solicitation for a public contract was first advertised or announced, contract is first advertised or announced. in this State that has a bona fide a)
- In breaking a tie, an Illinois resident vendor shall be given the q
  - the supplies from another state shall be considered a resident of that An Illinois resident vendor who would perform the services or provide other state as against an Illinois resident vendor who would perform the services or provide the supplies from Illinois, if that other state has an in-state preference. c)
- be considered a resident of that other state for purposes of an Illinois resident contractor that produces or performs at least 51% If an Illinois resident vendor produces or performs at least 51% of the goods or services in another state, that Illinois resident vendor application of this reciprocal preference when evaluating the bid of the goods or services in Illinois. q)
  - CPO or SPO may refer to the list of states with in-state ( e

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all in be considered which shall procurements involving out-of-state vendors. preference maintained by DCMS,

# Section 1300.4530 Correctional Industries

- goods or services available from the Department of Corrections that The CPO or SPO shall refer to the listing maintained by DCMS of the identifies those that must be purchased from Corrections. a)
  - Those items that must be purchased from Corrections may not be written express the procured from any other source without authorization of the CPO. q
- The CPO or SPO is authorized to procure from Corrections without seeking competition or giving public notice. ς c

# Section 1300.4535 Sheltered Workshops for the Disabled

- The CPO or SPO shall refer to information prepared by DCMS regarding qualified sheltered workshops and categories of goods and services set-aside to such sheltered workshops by DCMS. To the extent practicable, the OAG will follow such set-asides. a)
- While notice and competition is not required prior to contracting with reasonable will be determined based upon current market prices, historical prices, prices received by other State agencies for similar a sheltered workshop, prices must be reasonable. Whether a price is goods or services, the policy of the Code to promote procurements from sheltered workshops, and other such relevant factors. Pricing Approval Q)

# Section 1300.4540 Gas Mileage

- Vehicle specifications shall require compliance with minimum gas a)
- Requests must non-compliant mileage requirements established in Section 45-40 of the Code. Requests for exceptions must be approved by the CPO. ø fully describe the circumstances necessitating vehicle. Q
- No exception will be granted unless it is clear from the request that a non-compliant vehicle is necessary in order to carry out the functions of the OAG. ô

# Section 1300.4545 Small Business

- Set-Aside a)
- determine categories of goods or service procurements that will be set-aside for small business. The CPO or SPO may contact DCMS if so, the OAG may honor the set-aside to the to determine whether a particular procurement has been set-aside small business, and extent practicable. DCMS may
  - Small Business List q

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the OAG may avail itself of the list of responsible vendors that meet criteria of small business maintained by DCMS. A business that proposal opening will be considered small for the duration of the contract. fits the definition of small on the day of bid or Required Use

- If the CPO or SPO wishes to make a procurement covered by a set-aside designation, the solicitation must note responses are limited to those from responsible small businesses. Bids or proposals received from large businesses will be rejected as nonresponsive. c) q
- proposal will result in the payment of an unreasonable price, the CPO small business set-aside is withdrawn, notification shall be published If the CPO or SPO determines that acceptance of the best bid or or SPO shall reject all bids or proposals and withdraw the designation withdrawal of the small business set-aside, the procurement shall be of the Code and this in the Illinois Procurement Bulletin with an explanation. of small business set-aside for the procurement in question. conducted in accordance with the limitations Withdrawal of Set-Aside
- Unless the CPO provides a definition for a particular procurement that reflects industrial characteristics, a small business is one: Criteria for Small Business ( e
  - 1) Independently owned and operated.
- Not dominant in its field of operations. This means the business does not exercise a controlling or major influence in a kind of business activity in which a number of business concerns are primarily engaged. In determining dominance, consideration shall given to all appropriate factors, including volume of business, number of employees, financial resources, competitive patents, license agreements, facilities, sales territory, and status or position, ownership or control of materials, processes, nature of business activity.
- With annual sales for most recently ended fiscal year no greater than: 3)
- A) \$7,500,000 for wholesale business;
- \$3,000,000 for construction business; or
- \$1,500,000 for retail business.

4)

- A manufacturing business shall calculate how many people it employs by determining its average full-time equivalent employment, based on the number of persons employed on a full-time, part-time, temporary or other basis for its most With no more than 250 employees if a manufacturing business. recently ended fiscal year. A)
- If a manufacturing business has been in existence for less than a full fiscal year, its average employment should be calculated for the period through one month prior to the bid or proposal due date. B)
  - both a wholesaler and a retailer, the combined wholesale and ΙĘ 2

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vendor and all affiliates shall be included. Concerns are affiliates when either one directly or indirectly controls or has exceed \$9,000,000. The retail component may not exceed employees and annual sales and receipts, as applicable, of the a franchise relationship shall not affect small business status if the franchise has the right to profit commensurate with the power to control the other, or when a third party or parties In determining whether concerns are independently owned and operated and whether ownership and management and contractual arrangements. However, \$1,500,000 and the wholesale component may not exceed \$7,500,000. When computing the size status of a vendor, the number of be given to all retail annual sales for its most recently completed fiscal appropriate factors, including use of common facilities, control or have the power to control both. ownership and bears the risk of loss or failure. shall affiliation exists, consideration 9

#### SUBPART P: ETHICS

## Section 1300.5013 Conflicts of Interest

- contract, including, but not limited to, finder's fees and commission An individual has a direct pecuniary interest in a contract when the individual is owed a payment in conjunction with performance of a payments. a)
  - Distributable income means the amount of income actually distributed to those entitled to receive a share of such income after a company has paid all expenses, including employee salary and bonuses, and retained earnings. a a
- This Section does not apply to contracts with licensed professionals provided such contracts are competitively bid. (For purposes of this Section, "bid" means procured pursuant to the competitive procedures identified in Subpart E of this Part.) ς υ

## Section 1300.5015 Negotiations for Future Employment

- contractual relationship with any of the offices or agencies of State Or unlawful for any person employed in or on a continual government to participate in contract negotiations on behalf of that corporation with whom that person has a contract for future employment or is negotiating concerning possible future employment. [30 ILCS agency with any firm, partnership, association, 525/50-15(a)] or It is а Э
- An individual who performs services pursuant to a contract and who meets the requirements of an "employee" as opposed to an "independent contractor" is in a "continued contractual relationship" for the effective date of the contract until such time as the contract is q

terminated.

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who performs services pursuant to a contract and who meets the requirements of an "independent contractor" as opposed to an "employee" is in a "continual contracted relationship" if the contract to OAG must renewable terminate, or has a definite term of at least three months. term is indefinite, is automatically renewed, is option, is renewable unless the An individual individual's ς Ο

## Section 1300.5020 Exemptions

to the CPO the name of the vendor and a description of the proposed contract and of the potential conflict, and shall state why an exemption should be contract The CPO the potential conflict, and shall state why an exemption of to If the SPO finds a conflict of interest under Section 50-13 of the Code with the vendor selected for award or contract negotiations, the SPO shall forward The CPO shall decide whether to refuse to allow a contract or grant an exemption.

## Section 1300.5030 Revolving Door

- The CPO or SPOs shall identify designees in writing and shall maintain designation for a period of at least two years following the end or revocation of the designation. a)
- 518 Those designees whose job or position descriptions are at least directly related to State procurement are subject to this Section. q

## Section 1300.5035 Disclosure of Financial Interests and Potential Conflicts of Interest

- Distributable income means the amount of income actually distributed to those entitled to receive a share of such income after a company has paid all expenses, including employee salary and bonuses, and retained earnings. a)
  - Code including, by way of example, professional and artistic services, Personal Services shall be any contract for services subject to repair services, cleaning and guard services. (q
- "Competitively bid" means a contract let pursuant to Section 20-10 of the Code. c)
- The CPO may prescribe forms for the disclosure of potential conflicts of interest and financial interests of bidders or offerors required under Section 50-35 of the Code. g

#### SUBPART Q: CONCESSIONS

## Section 1300.5310 Concessions

Proposed concessions or leases of State property under this provision of the Code must be coordinated with the Department of Central Management Services to ensure compliance with the State Property Control Act [30 ILCS 605] and rules implementing that Act (44 Ill. Adm. Code 5000).

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## SUBPART R: COMPLAINTS, PROTESTS AND REMEDIES

## Section 1300.5510 Complaints Against Vendors

- for other similar causes, the OAG shall initiate a complaint to the Whenever a vendor fails to deliver on time or meet specifications, a)
  - If not resolved by this action, a written For relatively minor infractions, the OAG may initiate contact in person. complaint will be made. telephone or q
- serious infractions, the OAG will send a written complaint to the If the initial complaint is not satisfactorily answered, vendor detailing the problem. ô
- Information regarding the resolution of the complaint shall also be A copy of all written complaints shall be filed with the CPO. q)

## Section 1300.5520 Suspension

- Application a)
- This Section applies to all debarments or suspensions of vendors from consideration for award of contracts.
- The CPO may suspend a vendor from doing business with the OAG, or for specific types of supplies or services. A suspension may be issued upon a showing the vendor violated the Code or this Part, or failed to conform to specifications or terms of delivery. q
  - suspension, including a copy of such determination, shall be sent to the suspended vendor. Bids or proposals will not be solicited from suspended vendor, and, if they are received they will not be When the CPO finds cause exists for suspension, a notice considered during the period of suspension. the ô
    - the seriousness of the offense, but for no more than five years. The suspension will be effective within seven calendar days after receipt A contractor may be suspended for a period of time commensurate with of notice unless an objection is filed. If an objection is filed, suspension would not become effective until the evaluation of the objection is completed. q)
- The CPO may debar a vendor. Debarment is the permanent suspension of a vendor from doing business with the OAG. A debarment may only take place in those instances involving bribery or attempted bribery of a State of Illinois officer or employee, or as otherwise allowed or or proposals will not be solicited from the required by law. Bids or proposals will not be solicited from debarred vendor, and, if they are received they will not considered. e
- debarments. The master list will retain information concerning suspensions and debarments as public records. Such records will be maintained for a period of at least three years following the end of The OAG shall maintain a master list of all suspensions and f)

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þe шау Such public information considered in determining responsibility. debarment. Or the suspension

## Section 1300.5530 Settlement and Resolution of Contract and Breach of Contract Controversies

- Authority to Settle or Resolve Controversies a)
- The CPO or SPO who established the contract shall have authority to settle and resolve controversies but the Attorney General may set limits on such authority given to the SPO.
- in accordance with contract requirements as satisfactory adjustment of The OAG has the authority to accept delivery of goods or services Authority of Using Agency complaint. Q
  - If the vendor proposes to make an adjustment by: . Substitution of Terms/Price Reduction c
- 1) substituting an alternative specification, or
- reducing the contract price by a certain amount to compensate for some failure to provide full performance under the contract,
  - In any of the following cases the CPO or SPO shall have the right to such proposal must be referred to and approved by the CPO or SPO. Cancellation for Breach of Contract q
- 1) The successful bidder fails to furnish a satisfactory performance terminate or rescind any contract entered into under this Part: bond within the time specified;
- The vendor fails to make delivery at the place or within the time Any goods or services provided under the contract are rejected specified in the contract or as ordered by the OAG; 3
- (for example not meeting specifications, not conforming to sample, or not being in good condition when delivered) and are If there are repeated rejections of the vendor's goods or services, this shall be grounds for termination or rescission, even though the vendor offers to replace the goods or services promptly; the vendor. not promptly replaced by
- contract for the sale of goods or services to the OAG such that cannot reasonably be depended upon to fulfill his obligations is guilty of misrepresentation (for example, as a responsible vendor under any of his contracts with the OAG; misbranding of food or drugs) in connection with 4) 2)
- is adjudged bankrupt or enters into a general assignment for the benefit of his creditors or insolvency; or
  - disregards laws and ordinances, rules or instructions of a contracting officer; or B)
- acts in violation of any provision of the contract or this c
  - contract conflicts with any statutory or constitutional The (9

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Any other breach of contract or other unlawful act by the vendor. provision of the State of Illinois or of the United States; or

The OAG may cancel any contract it established if there is sufficient Cancellation for Fraud, Collusion, Illegality, Etc. evidence to show that: ( e

was obtained by fraud, collusion, conspiracy, or other unlawful means; or contract

the contract conflicts with any statutory provision of the State of Illinois or of the United States. 2)

If a contract is terminated or rescinded under this Section, the OAG may deduct from whatever is owed the vendor on that or any other contract an amount sufficient to compensate the State of Illinois for any damages suffered by it because of the vendor's breach of contract or other unlawful act on his part on which the cancellation is based. Withholding Money to Compensate State for Damages Ę)

The damages for which the OAG may be compensated as provided in this Section or by a suit on the vendor's performance bond or by other g

legal remedy shall include, but are not limited to, the following:

1) the additional cost of goods or services bought elsewhere;

cost of repeating the procurement procedure;

or any expenses incurred because of delay in receipt of goods services; and

any other damages caused by the vendor's breach of contract or unlawful act. 4)

## Section 1300.5540 Violation of Law or Rule

If the CPO finds that the solicitation or proposed award is in violation of statute or this Part, the CPO may cancel the solicitation or proposed award, or make modifications to correct the violation, Determination that Solicitation or Award Violates Law such correction may be legally accomplished.

Contracts based on awards or solicitations that were in violation of statute or this Part shall be terminated at no cost to the OAG. Determination that Contract Violated Law or Rule Q

return those supplies delivered under the contract that have not been In all cases where a contract is voided, the OAG shall endeavor used or distributed. No further payments shall be made under Effect of Declaring a Contract Null and Void contract.

### Section 1300.5550 Protests

aggrieved in connection with a procurement may file a protest on any phase of solicitation or award, including but not limited to An actual or prospective bidder, offeror, or contractor that may be Protest Resolution by CPO or SPO a)

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specifications preparation, bid solicitation, or award.

Complaints ( q

Complainants should seek resolution of their complaints initially with the OAG. Such complaints may be made verbally or in writing.

Filing of Protest ô

the date the solicitation was issued, and in any event must be knows or should have known of the facts giving rise to the protest. A protest is considered filed when physically received specifications, the protest must be received within 14 days after 1) Protests shall be made in writing to the CPO or SPO, if applicable, and shall be filed within 14 days after the protester received by the OAG at the designated address before the date for by the CPO or SPO. Protests filed after the 14 day period shall ಗ to In regard opening of bids or proposals. be considered.

To expedite handling of protests, the envelope should be labeled The written protest shall include as a minimum the "Protest." 2)

following:

the name and address of the protester;

appropriate identification of the procurement, and, contract has been awarded, its number;

a statement of reasons for the protest; and

in be supporting exhibits, evidence, or documents to substantiate any claims unless not available within the filing time, which case the expected availability date shall indicated. () (i

Requested Information; Time for Filing q)

Any additional information requested by the OAG shall be submitted within the time periods established by the requesting source in order CPO or the SPO may result in resolution of the protest without to expedite consideration of the protest. Failure of the protesting party to comply expeditiously with a request for information by the consideration of that information.

Stay of Procurements During Protest ( e

made, the CPO or SPO shall make no award of the contract until the unless the CPO makes a written determination, after consulting with the SPO, that the award of the contract without delay is necessary to protect the interests of the When a protest has been timely filed and before an award has been been resolved, has protest

Decision by the CPO or SPO £)

or SPO as expeditionsly as possible after receiving all relevant, requested information. If a protest is sustained, the available  $% \left( \frac{1}{2}\right) =\frac{1}{2}\left( \frac{1}{2}\right) +\frac{1}{2}\left( \frac{1}{2}\right) +\frac{1}{2}\left$ Time for Decisions. A decision on a protest shall be made by the CPO remedies include, but are not limited to, reversal of award and cancellation or revision of the solicitation.

If an action concerning the protest has commenced in court, the CPO or Effect of Judicial or Administrative Proceedings 9

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Chief of the General Law Bureau in the Office of the Attorney General. to protest SPO shall not act on the protest but shall refer the

## SUBPART S: SUPPLY MANAGEMENT AND DISPOSITIONS

## Section 1300.6010 Supply Management and Dispositions

- Inventory Management a)
- This 12-month inventory does not apply to mechanical spare parts or when a greater quantity is needed to meet minimum order quantities. shall be ordered so as to maintain the minimum inventory In no event shall more than a 12-month supply be maintained in inventory. commensurate with ability to meet agency needs.
  - All warehouses and similar storage areas shall be inventoried at least Annual Inventory Q
- may officer notified, at such times as that prescribe, of all supplies in excess of 12-month supply. Report of Supplies The CPO shall be G

## SUBPART T: GOVERNMENTAL JOINT PURCHASING

#### General Section 1300.6500

In an effort to make the procurement process more efficient, the State and contracts. Agreements between State agencies with procurement authority and other governmental units with taxing authority are governed by this Part and governmental units may agree to utilize each other's procurement the Governmental Joint Purchasing Act [30 ILCS 525].

## Section 1300.6510 OAG Use of Other Contracts

The OAG may utilize procurement contracts established by other authorized State agencies or units of government:

- if the contract:
- 1) was established by sealed bid or sealed proposal; or
- is not required by the Illinois Procurement Code to be bid;
  - if the price is reasonable;
- if an existing contract of the OAG would not be violated; if allowed by the vendor;
- necessary State contract terms can be added; and State legal requirements are otherwise followed. 44 ij E G G G G

## Section 1300.6520 No Agency Relationship

not become the procurement agency for the other. The ordering unit must issue its own purchase order, accept its own deliveries and make its own payments. In any joint procurement situation, the agency establishing the contract does

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SUBPART U: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

#### Severability Section 1300.7000

such invalidity shall not affect other provisions or applications of this Part that If any provision of this Part or any application thereof is held invalid, can be given effect without such invalid provision or application.

## Section 1300.7010 Government Furnished Property

such property shall remain the property of the State but may be consumed by the vendor if necessary to complete the contract. Vendor will issue a receipt for unused If the OAG provides any property to the vendor in furtherance of the contract, the property and will be responsible for its safekeeping and return of property to the State.

## Section 1300.7015 Inspections

- Inspection of Plant or Site a)
- The OAG may enter a contractor's or subcontractor's plant or place of business to:
- inspect supplies or services for acceptance by the State pursuant to the terms of a contract; 1
- audit the books and records of any contractor or subcontractor pursuant to record and audit provisions of this Part; 2)
- or suspend a person consideration for award of contracts pursuant to the debar an action to Procurement Code; investigate 3)
- determine whether the standards of responsibility have been met or are capable of being met; and 4)
- determine if the contract is being performed in accordance with 2)
  - Inspection and Testing of Supplies and Services 1) Q
- t0 requirements, and are therefore acceptable. Such inspections and Solicitation and Contractual Provisions. A contract may provide that the OAG or its agent may inspect supplies and services at the contractor's or subcontractor's facility and perform tests to be conducted in accordance with the terms of the services conform to award, supplies or after solicitation requirements, or, the solicitation and contract. whether determine
- of Procedures for Trial Use and Testing. The CPO may establish testing and trial use of resulting information and data to specifications or procurements. operational procedures governing the testing and trial use equipment, material, and other supplies, and the application 5
- to No 1) Inspectors. Inspections or tests shall be performed so as not unduly delay the work of the contractor or subcontractor. Conduct of Inspections ()

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the specifications or the contract without written authorization inspector other than the CPO or SPO may change any provision of of the CPO or SPO. The presence or absence of an inspector shall not relieve the contractor or subcontractor from any requirements of the contract.

- Location. When an inspection is made in the plant or place of business of a contractor or subcontractor, such contractor or subcontractor shall provide without charge all reasonable facilities and assistance for the safety and convenience of the person performing the inspection or testing. 2)
- Inspection or testing of supplies and services performed any contractor subcontractor shall be performed at reasonable times. place of business of the plant or 3)
  - On-site inspection of construction shall be performed in accordance Inspection of Construction Projects with the terms of the contract. q)

## Section 1300.7020 Records and Audits

- Retention of Books and Records a)
- to the OAG Books and records that relate to performance of an OAG contract, including subcontracts, and that support amounts charged shall be maintained:
  - a contractor, for three years from the date of final payment under the prime contract; 1) by
- by a subcontractor, for three years from the date of final and payment under the subcontract; 2)
- by a contractor and subcontractor for such larger period of time as is necessary to complete any ongoing or announced audits. Contract Audit 3) â
- Types of Contracts Audited. The type of contract under which books and records should be audited is that in which price is based on costs is subject to adjustment based on costs, or that in which auditing would be appropriate to assure satisfactory performance, such as a Situations where an audit may be warranted include but are not limited to when a question arises time and materials contract. connection with:
  - the financial condition, integrity, and reliability of 7
    - contractor or subcontractor; any prior audit experience;
- the adequacy of the contractor's or subcontractor's accounting system; 2) 3)
- vouchers submitted by the contractor or subcontractor for payment; invoices or reimbursement nature of the number or 4)
- the use of federal assistance funds;
- the fluctuation of market prices affecting the contract; or any other situation when the CPO or SPO finds that such an audit is necessary for the protection of the State's best interest. 5)

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#### ATTORNEY GENERAL

### NOTICE OF ADOPTED RULES

Preparation and Execution

Section 1300.7025 Written Determinations

- Where the Illinois Procurement Code or this Part requires a written delegate its preparation, but the responsibility for and the execution determination, the officer required to prepare the determination may of the determination shall not be delegated.
- and reasoning as will substantiate the specific sufficient out set Each written determination shall determination that is made. circumstances, ( q
- in an accurate and adequate fashion, the information pertinent to the personnel, are responsible for furnishing to the cognizant official, of the particularly While an officer is responsible for the execution personnel, Obtaining Supporting Information State other determination, G
- determination. When requested, such information shall be furnished in writing to the cognizant official who shall have the authority to decide the final form and content of the determination and to resolve any questions or conflicts arising with respect to the determination. Forms q)
- The CPO shall prescribe methods and operational procedures to be used in preparing written determinations.
  - file for so long as the file is required to be maintained, and, except contract file to which it applies, shall be retained as part of such solicitation or or rule, shall be open to the Each written determination shall be filed in as otherwise provided by law inspection. e

## Section 1300.7030 No Waiver of Sovereign Immunity

Nothing in this Part shall be deemed to be a waiver of sovereign immunity.

## ENVIRONMENTAL PROTECTION AGENCY

### NOTICE OF ADOPTED RULES

- Heading of the Part: Procedures for Determining Priorities for Assistance Awards under the Illinois Clean Lakes Program 1)
- Code Citation: 35 Ill. Adm. Code 368 2)

Adopted Action:	New Section										
Section Numbers:	.10	.20	.130	.140	.50	.60	.210	220	.230	.240	150
3) Secti	368.110	368.120	368.1	368.1	368,150	368.160	368.2	368.2	368.2	368.2	368.25

- <u>Statutory Authority</u>: Implementing and authorized by the Illinois Lakes Management Program Act [525 ILCS 25] and by Section 6z-31 of the State Finance Act (Conservation 2000 Project Fund) [30 ILCS 105/6z-31]. 4)
- Effective Date of Rulemaking: August 7, 1998 2)
- Does this rulemaking contain an automatic repeal date? No (9
- Yes Does this rulemaking contain incorporations by reference? 7)
- by for reference, is on file in the agency's principal office and is available incorporated the adopted rule, including any material public inspection. of 8
- 21 Ill. Reg. 10183, in Illinois Register: Published of Proposal August 8, 1997. Notice 6
- 10) Has JCAR issued a Statement of Objections to these rules?
- 11) Difference(s) between proposal and final version:
- The Subtitle, "Subtitle F: Public Water Supplies" has been changed to "Subtitle C: Water Pollution". ;
- In the Heading, "Programs" has been changed to "Program", 2
- has been "Lake Quality Maintenance Program" changed to "Lake Water Quality Maintenance Program". Section 368.120(b), In 3.
- In Section 368.130, "Incorporations by Reference" has been replaced 4.

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ENVIRONMENTAL PROTECTION AGENCY

### NOTICE OF ADOPTED RULES

by "Materials Referenced in this Part".

- In Section 386.130, "a) The following materials are incorporated by materials following changed to "The referenced in this Part". has been reference" 5
- "b) This Section contains no later editions or amendments." has been deleted. 368.130, In Section 9
- In Section 368.220, "most recent" has been inserted between "the" and "Illinois Water Quality Report" and "1994-1995", IEPA/BOW96-060(a) and (b)(September 1996)" has been deleted. 7
- In Section 368.220, ""See the Illinois Assessment of Water Resource (September 1996) Conditions 1994-1995," IEPA/BOW/96-060(a) and (b) for further information," has been added. 8
- peen each type of use" has "all uses are available to non-residents and" has "for 368.240(b)(l)(B)(ii), In Section deleted and added. 6
- of use" has been and" has been "all uses are available to non-residents each type 386.240(b)(l)(B)(iii), "for added; "25" has been changed to "10". In Section deleted and 10.
- Public Access In Section 368.240(b)(1)(B) subsection (iv), "Limited (1 or more uses are not allowed for non-residents" and Points column) were added. 11.
- the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes 12) Have all the changes agreed upon by
- No

13) Will this rulemaking replace an emergency rule currently in effect?

No

14) Are there any amendments pending on this Part?

Summary and Purpose of Rulemaking:

15)

- Projects Fund [30 ILCS 105/6z-31] to establish a program for managing and improving the uses and water quality of Illinois inland lakes and, to that The Illinois Environmental Protection Agency is authorized by the Illinois ILCS 25/1] and the Conservation 2000 implement comprehensive use and water quality improvement strategies. This Part 368 sets out the methodology the Agency will follow in prioritizing financial to end, to provide financial assistance to lake owners Lake Management Program Act [525 assistance applications.
- 16) Information and questions regarding these adopted rules shall be directed to:

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ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

Name: Gregg Good
Address: Manager, Lakes & Watershed Unit
Bureau of Water
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
Telephone: (217)782-3362

The full text of the Adopted Rule begins on the next page:

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ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

TITLE 35: ENVIRONMENTAL PROTECTION AGENCY SUBTITLE C: WATER POLLUTION CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 368
PROCEDURES FOR DETERMINING PRIORITIES FOR ASSISTANCE AWARDS UNDER THE ILLINOIS
CLEAR LAKES PROGRAM

SUBPART A: INTRODUCTION

Section
368.110 Purpose
368.120 Definitions
368.130 Materials Referenced in this Part
368.140 Funding Allocations
368.150 Funding Priority System
368.160 Applications for Funding

SUBPART B: PROCEDURES FOR CALCULATING PRIORITY POINTS FOR INLAND
LAKE STUDY AND IMPLEMENTATION PROJECT AWARDS

Section 368.210 Formula for Computing Total Priority Points 368.220 Al Factor (Overall Use Support Assessment)

368.230 A2 Factor (Water Quality Potential)
368.240 A3 Factor (Public Benefits Assessment)
368.250 A4 Factor (Special Considerations)

AUTHORITY: Implementing and authorized by the Illinois Lake Management Program Act [525 ILCS 25] and Section 6z-31 of the State Finance Act [30 ILCS 105/6z-31].

SOURCEAUGOPPINGS at 22 III. Reg. 15259.

effective

SUBPART A: INTRODUCTION

### Section 368.110 Purpose

This Part sets out the procedures that will be used by the Illinois Environmental Protection Agency for prioritizing applications for financial assistance awards under the Illinois Clean Lakes Program.

## Section 368.120 Definitions

a) Unless otherwise specified, all terms shall have the meanings set out in the Illinois Lake Management Program Act [525 ILCS 25], Section 6z-31 of the State Finance Act [30 ILCS 105/6z-31] and the Illinois

## ENVIRONMENTAL PROTECTION AGENCY

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For the purposes of this Part, the following definitions apply: Environmental Protection Act [415 ILCS 5]. (q

Agency: the Illinois Environmental Protection Agency.

Diagnostic and Feasibility (Phase I) Study: the gathering of data to document the existing and potential sources of pollution and to pertinent characteristics of an inland lake and its associated watershed and the analysis of this information to determine the most appropriate method for improving or preserving the quality of the lake determine the limnological, morphological, demographic, and other intended uses and to determine the need for a Long-Term Restoration and Preservation (Phase II) Project or a Lake Water Quality Maintenance Program (LQMP). [525 ILCS 25/3(d)]

implementation financial assistance award program administered by the Agency pursuant to the Illinois Lake Management Act [525 ILCS 25] and Illinois Clean Lakes Program (ICLP): the inland lake study or the Conservation 2000 program [30 ILCS 105/6z-31]. Lake Owner: the owner, owners, or designated management authority of lake who possesses the legal authority over a given lake and the ability to generate revenue and in-kind contributions to perform Diagnostic and Feasibility Studies and to enact comprehensive lake management through the implementation of Long-Term Restoration and Lake Water Quality and Preservation Projects (Phase II) Maintenance Programs. [525 ILCS 25/3(f)] any inland

Feasibility Phase I Study which provides short-term relief from nuisance aquatic vegetation and algae growth; projects under this program must demonstrate that the proposed maintenance program would Lake Water Quality Maintenance Program (LQMP): the water quality maintenance program described in Section 25/3 of the Illinois Lake Management Program Act [525 ILCS 25] for implementation of a lake and result in attainment of significant public recreational lake use, and reduce incoming nutrients, sediments, and other pollutants. [525 ILCS plan recommended by the Diagnostic that watershed management plans are being implemented to control watershed management

implementation of lake and watershed management plans as developed under the Diagnostic and Feasibility Study which will provide for long-term restoration benefits and long-term preservation (Phase Preservation of the lake's water quality. [525 ILCS 25/3(g)] and Restoration

Metropolitan Statistical Area (MSA): the classification developed by the U.S. Department of Commerce for use by federal agencies in the

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production, analysis and publication of data on metropolitan areas. Bloomington-Normal, Champaign-Urbana-Rantoul, Chicago, Davenport-Rock Island-1 Decatur, Kankakee, Peoria, Rockford, St. Louis and Springfield. Davenport-Rock Illinois

to an inland lake study or implementation project Priority Points (PP): the individual points based on various application. assigned

assigned to an inland lake study or implementation project application. Total Priority Points (TPP): the sum of all Priority Points

an inland lake known to contain endangered or Uncommon Resource: threatened species. an inland lake that has oligotrophic water quality of supporting year-round cold water or "two-tiered" Unique Resource: and is capable fisheries.

## Section 368.130 Materials Referenced in this Part

The following materials are referenced in this Part:

Conditions 1994-1995", IEPA/BOW/96-060(a) and (b) (September 1996). Resource of Water "Illinois Assessment

## Section 368.140 Funding Allocations

Funds for the Illinois Clean Lakes Program are targeted to be distributed to lake owners in each fiscal year from 1996 to 2001 by the Agency according to the following percentage amounts:

- a) Phase I projects 1) FY96--60%
  - FY97--458
- FY98--408
- FY99--35% 4)
- FY00--30% 2)

FY01--25%

(9

Phase II projects

Q

- FY96--35% FY97--50%
  - FY98--55%
- FY00--65% FY99--60%
- FY01--708
  - LQMP projects ô

percent of available funds are targeted to be distributed by the Agency to LQMP projects in each year from FY96 through FY01

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## Section 368.150 Funding Priority System

submitted for funding according to the methodology set out in Subpart B of this Part. Each project will be ranked from highest to lowest according to TPP and funded according to the targeted distribution schedule set out in Section Total Priority Points (TPP) will be assigned to each project application 368.140 above.

## Section 368.160 Applications for Funding

Lake owners seeking Phase I, Phase II or LOMP funding assistance shall submit applications to the Agency in accordance with 35 Ill. Adm. Code 367. Subpart D.

SUBPART B: PROCEDURES FOR CALCULATING PRIORITY POINTS FOR INLAND LAKE STUDY AND IMPLEMENTATION PROJECT AWARDS

# Section 368.210 Formula for Computing Total Priority Points

applications is a number that is the sum of the Priority Points (PP) assigned follows: Al + A2 + A3 + A4 = TPP. Points will be assigned to each factor based on lake data and assessment information maintained by the Agency and other State or federal agencies, and data submitted by the applicant. All information provided by the applicant will be subject to verification by the Total Priority Points (TPP) for inland lake study and implementation project according to four factors: Al, A2, A3, and A4. The TPP is calculated as Agency prior to the assignment of Priority Points.

# Section 368.220 Al Factor (Overall Use Support Assessment)

Al is a factor that evaluates inland lakes based on their overall use support Nonsupport. Priority points for the Al factor are allocated as follows (0-100 assessment rating. The possible degrees of use support assessment are Full, Full/Threatened, Partial/Minor impairment, Partial/Moderate impairment, or points possible):

100	75	50	25		0
Full/Threatened Overall Assessment	Partial/Minor or Partial/Moderate Overall Assessment	Full Overall Assessment	Nonsupport Overall Assessment	Insufficient Information to Make a Reliable	Assessment

methodology set out in the most recent Illinois Water Quality Report, "Illinois Assessment of Water Resource Conditions", produced by the Agency pursuant to This factor will be calculated by the Agency using the data for the lake and Section 305(b) of the Federal Water Pollution Control Act (33 USC 1315(b)). See Water Resource Conditions 1994-1995," IEPA/BOW/96-060(a) and (b) (September 1996) for further information. the "Illinois Assessment of

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## ENVIRONMENTAL PROTECTION AGENCY

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## Section 368.230 A2 Factor (Water Quality Potential)

a	A2	15 a	Az is a ractor that evaluates inland lakes based on their water	water
	Qual	ity	Quality Potential (WQP). The potential quality of a lake	18
	dete	rmine	determined by the quality of the incoming water, water residence time,	time,
	and	lake	lake basin characteristics. Four factors are used to rank inland	inland
	lake	s for	lakes for water quality potential:	
	1)	rati	ratio of watershed area to lake surface area (WA:SA);	
	2)	mean	mean lake depth;	
	3)	lake	lake water retention time; and	
	4)	lake	size.	
(q	Prio	rity	Priority points for the A2 factor are allocated as follows (	(0-100
	poin	ts po	points possible):	
	1)	Wate	Watershed Area/Lake Surface Area Ratio	
		A)	Less than or equal to 20	30
		B)	than or equal to 50	20
		Û	Greater than 50 but less than or equal to 100	10
		D)	Greater than 100	0
	2)	Mean	Depth (feet)	
		A)	15	30
		B)	Greater than 10 but less than or equal to 15	20
		c	Greater than 5 but less than or equal to 10	10
		(Q	Less than or equal to 5	0
	3)	Wate	Water Retention Time (years)	
		A)	Greater than 1.00	30
		B)	Greater than 0.50 but less than or equal to 2	20
			1.00	
		Û	Greater than 0.25 but less than or equal to	10
			0.50	
		Q	Less than or equal to 0.25	0
	4)	Lake		
		A)	Greater than 100 but less than or equal to 500	10
		В)	Greater than six but less than or equal to	
			100; or greater than 500 but less than or	
			equal to 1000	2
		ΰ	Less than or equal to 6 or greater than 1000	0

# Section 368.240 A3 Factor (Public Benefits Assessment)

- is a factor that evaluates inland lakes based on their importance This factor is based on or benefit to the general public. following criteria: a)
  - the ownership and accessibility of the lake to the public;
  - current public lake use (annual visitor days);
  - proximity of the lake to a Metropolitan Statistical Area; 2)
- publicly-owned or accessible lakes related to existing or potential demand; the supply of 4)
- the multipurpose nature of, or need for, the lake (i.e., public

## ENVIRONMENTAL PROTECTION AGENCY

#### NOTICE OF ADOPTED RULES

		water supply and recreational use);	
	(9	the type and number of recreational facilities available; and	
	7)	the public benefits that are derived from a lake with an uncommon	non
		ument as defined in Section 368.120.	
( q	For	the A3 factor, priority points are allocated as follows (0-240	240
	poin		
	1)	Ownership/Access	
		A) Lake Bottom Ownership	
		i) Public 20	0
		ii) Public and private 2-18 (2 points per 10% of	
		ottom publicly o	
		rounded to the nearest 10%)	
		iii) Private	0
		e Accessibility	
		Public Access (no fees)	_
			_
		available to non-residents and	
		non-resident fees are less than	
		200% of resident fees)	
		iii) Public Access (all uses are 10	0
		available to non-residents and	
		non-resident fees are greater	
		than 200% of resident fees)	
		iv) Limited Public Access (1 or	
		more uses are not allowed for	
		non-residents)	
	3)	Recreational Lake Use	
		A) Very Heavy (more than 200,000	
		users/year)	10
		B) Heavy (between 100,000 and	
			0
		5,000 and	
		100,000 users/year)	10
		25,000 users/year)	0
	3)	Proximity to MSA	
		A) Within MSA (0 miles)	10
		B) From 0 to 25 miles	_
		C) From 26 to 50 miles	S
		Further than 50 miles	0
	4)	Per Capita Availability of Other Public Lakes in the Area (public	Lic
		the county divided by the	ıty
		population)	
		per capita	_
		Between 0.01 and 0.10 acres per capita	2
		capita	_
	5)	Use as a Public Water Supply	

## ENVIRONMENTAL PROTECTION AGENCY

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	c) Not a public water supply	baptic	varer sup	ρτy			>
(9	Recreations	al Uses	(may in	clude	fishing,	Recreational Uses (may include fishing, canoe/sail/motor boats,	otor boats,
	swimming,	camping	bicycli	'bu	hiking,	swimming, camping bicycling, hiking, picnicking, horseback	horseback
	riding, etc.)	(.)					
	A) Facilities to support four or more	ities to	support	four	or more		
	recres	ational u	recreational uses; or facilities	facil	Lities		
	for sv	for swimming					10
	B) Facili	ities to	Facilities to support two or three	two c	or three		
	recres	recreational uses	ises				5
	C) Facili	ities to	support	one r	Facilities to support one recreational use	ıl use	0
7)	Environmental Uniqueness	tal Uniqu	ssauar				
	A) The lake is a unique resource	ake is a	unique r	esour	cce		
	as def	fined in	as defined in Section 368.120	368.1	120		50
	B) The la	ake is ar	The lake is an uncommon resource	n res	source		
	as def	fined in	as defined in Section 368.120	368.1	120		15
	C) The 18	ake is no	ot a uniq	ine or	C) The lake is not a unique or uncommon		
	resoni	rce as de	efined in	Sect	resource as defined in Section 368,120	0.	0

## Section 368.250 A4 Factor (Special Considerations)

A4 is a factor that will only be used for two or more project applications having equal total priority points based on the sum of Factors A1, A2, and A3. In such cases priority points will be allocated to each affirmative answer to the following questions (Yes-1, No-0). For the A4 factor, priority points are allocated as follows (0-5 points possible):

- a) Does the project utilize a comprehensive watershed and management
- approach?
  Has the tributary watershed area been previously protected to prevent point and nonpoint source pollution to the lake?

  Does the project include coordination of activities with other local, q G
- Is there a commitment by the applicant to cost-share more than the minimum required by at least an additional 10%? q

State, and federal agencies?

Does the applicant have a history of undertaking previous lake or watershed management efforts to solve lake problems? ( e

20

Alternate or secondary public water supply

Primary public water supply

B)

## ENVIRONMENTAL PROTECTION AGENCY

#### NOTICE OF ADOPTED RULES

- Heading of the Part: Procedures for Issuing Financial Assistance Awards Under the Illinois Clean Lakes Program 1)
- Code Citation: 35 Ill. Adm. Code 367 2)

Adopted Action:	New Section																																							
3) Section Numbers:	367.110	-	367.130	367.210	367.220	367.310	367.320	367.410	367.420	367.430	367.440	367.450	367.460	.5	367.520	367.610	367.620	367.630	367.710	. 7	367.730	367.740	367.750	. 7	367.770	67.7	7.	67.81	367.820	367.910	67.92	0.	367.940	367.950	367.960	367,1010	367,1020	367.1030	367,1040	367,1050

by the Illinois Lakes authorized and Implementing Authority: Statutory 4)

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## ENVIRONMENTAL PROTECTION AGENCY

### NOTICE OF ADOPTED RULES

State of the Finance Act (Conservation 2000 Project Fund) [30 ILCS 105/62-31]. 62-31 Section Management Program Act [525 ILCS 25] and by

- Effective Date of Rulemaking: August 7, 1998 2)
- Does this rulemaking contain an automatic repeal date?
- Does this rulemaking contain incorporations by reference? Yes 7)
- A copy of the adopted rule, amendment, or repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection. 8
- Notice of Proposal Published in Illinois Register: 21 Ill. Reg. 10192, August 8, 1997. 6
- NO 10) Has JCAR issued a Statement of Objections to these rules?

## 11) Difference(s) between proposal and final version:

- Public Water Supplies" has been changed to "Subtitle C: Water Pollution". The Subtitle, "Subtitle F:
- In Section 367.130, "(June 1, 1987)" has been changed to "(1997)".
- 3. In Section 367.130, the following has been deleted:
- following materials are referenced in this Part: The (q.
- Agency for the Conduct of Phase I Diagnostic-Feasibility Illinois Methods Manual, Illinois Environmental Protection Studies and Environmental Division of Laboratories

Act Administrative Frameword Plan,

Program

Management

### Appendix I, IEPA/WPC 91-212 (June, 1992)" and replaced with:

Protocol for the Conduct of Phase I Diagnostic-Feasibility Environmental Evaluations, Appendix E, Clean Water Regulations and Standads, (1980) (no new EPA 440/5-81-003, Lakes Program Guidance Manual, editions or amendments)". Studies and Office of

## Section 367.310 has been rewritten as follows:

provide up to a maximum of 60% of the Through the Clean Lakes Program, the Illinois Environmental total cost of a Phase I Diagnostic and Feasibility Study project (up to a maximum of \$75,000), with the lake owner or other Protection Agency will (a)

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## ENVIRONMENTAL PROTECTION AGENCY

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sources providing a minimum 40% match.

- However, the maximum Agency contribution per study project shall not exceed \$125,000 where: Q
  - a single lake owner applies for a study project involving or more distinct, yet hydraulically connected, lakes; or
- lie within the jurisdictional boundary of the applicant lake a single lake owner applies for a study project involving 2 or more distinct, non-hydraulically connected lakes, that owner; or
  - into 1 study project application 2 or more applications submitted by a single lake owner for 2 or more hydraulically technically, economically or administratively more feasible to connected or non-hydraulically connected lakes." determines that it would be the Agency 3
- by "Through the Clean Lakes Program," and "Section 315" has been In Section 367.320, "The State of Illinois, through" has been replaced changed to "Section 314". 5
- In Section 367.780(a)(3), "subsection(1)(a)" has been changed to "subsection (a)(1). 9
- 40 In Section 367.780(b)(4), "subsection (b)(3)(B)" has been changed "subsection(a)(1)((C)(ii)." 7.
- In Section 367.820(a), "June 1, 1987" has been replaced by "1997". .
- purpose of this Section 367.920" has been replaced with "The items enumerated in subsection (a) shall constitute "records" for the In Section 367.820(b), "The foregoing constitutes "records" for the purposes of this Section 367.820". .
- In Section 367.960(a), "and LOMP" has been deleted. 10.
- 1992" has been replaced by "Appendix E, Clean Lakes Program Guidance Administrative Frameword Plan, Appendix I, IEPA/WPC/91-212, June, Manual, incorporated by reference in Section 367.130 of this Part". Management Program Lake In Section 367.1010, "Illinois 11.
- C, Chapter I" has been added after "water quality standards". In Section 367.1020(j)(9), "contained in 35 Ill. Adm. Code: 12.
- to the Agency's In Section 367.1020(j)(10), "done according to the Agency's Laboratory Methods Manual" has been replaced by "pursuant to 35 Ill. 13.
- In Section 367.1020(j)(14) "chlorophyll a values" has been replaced by "chlorophyll values." 14.

ENVIRONMENTAL PROTECTION AGENCY

#### NOTICE OF ADOPTED RULES

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect?
- 14) Are there any amendments pending on this Part? No
- 15) <u>Summary and Purpose of Rulemaking</u>: The Illinois Environmental Protection Agency is authorized by the Illinois Lake Management Program Act [525 ILCS establish a program for managing and improving the uses and water quality of Illinois inland lakes and, to that end, to provide financial assistance to lake owners to implement comprehensive use and water quality improvement strategies. This Part 367 establishes the eligibility criteria for 25/1] and the Conservation 2000 Projects Fund [30 ILCS 105/6z-31] to for submitting financial assistance applications, and the criteria under which applications will be reviewed by the Illinois Environmental Protection Agency. financial assistance awards, the procedures
- 16) Information and questions regarding these adopted rules shall be directed :: |C

Name: Gregg Good

Manager, Lakes & Watershed Unit Address: Bureau of Water

Illinois Environmental Protection Agency

1021 North Grand Avenue East

Springfield, Illinois 62794-9276 Post Office Box 19276

Telephone: 217/782-3362

The full text of the Adopted Rule begins on the next page:

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ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY TITLE 35: ENVIRONMENTAL PROTECTION SUBTITLE C: WATER POLLUTION

AWARDS UNDER THE ILLINOIS CLEAN LAKES PROGRAM PROCEDURES FOR ISSUING FINANCIAL ASSISTANCE PART 367

SUBPART A: INTRODUCTION

SUBPART B: FINANCIAL ASSISTANCE PROGRAMS Incorporations Definitions Purpose 367.110 367.120 367.130

Section

Assistance Eligibility Criteria Financial Assistance Awards Section 367.210

367.220

Section

SUBPART C: FUNDING LEVELS

ASSISTANCE APPLICATIONS Phase II and LOMP Awards SUBPART D: Phase I Study Awards 367.310

Assistance Award Pre-Application

Phase II Assistance Application Phase I Assistance Application LQMP Assistance Application Project Selection Re-application Section 367.410 367.420 367.430 367,440 367.450 367.460

Lake Restoration ĸ of Public Participation in the Selection Public Notification of Assistance Award Protection Plan 367.510 367.520 Section

SUBPART E: PUBLIC PARTICIPATION

or

SUBPART F: MONITORING REQUIREMENTS

Monthly Reports 367,610

Section

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ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

Final Phase II and LQMP Reports Final Phase I Report 367.620 367.630 SUBPART G: ASSISTANCE AWARD CONDITIONS AND LIMITATIONS

Section

Phase I Project Implementation Requirement Financial Assistance Agreements 367,710 367.720

Appropriation Contingency Agreement Period 367.730 367.740

Financial Assistance Award Termination Project Changes 367.750 367.760

Subcontracts 367.770

Final Inspection for Phase II and LQMP Projects Drug Free Workplace 367.780 SUBPART H: ACCESS, AUDITING AND RECORDS

Audit and Records Access 367.810 367.820 Section

SUBPART I: PAYMENTS

Determination of Allowable Project Costs Section 367.910

Requests for Payment

367.920

Reimbursement Rate Contingency 367.930 367.940

Withholding of Payments 367.950 367.960

Final Payment

J: REQUIREMENTS FOR PHASE I DIAGNOSTIC AND FEASIBILITY STUDIES AND ENVIRONMENTAL EVALUATIONS SUBPART

Phase I Diagnostic Study General 367.1010 367.1020 367.1030 Section

Phase I Feasibility Study Environmental Evaluation 367.1040

Approval of Phase I Recommended Alternatives 367,1050

AUTHORITY: Implementing and authorized by the Illinois Lake Management Program Act [525 ILCS 25] and Section 6-32 of the State Finance Act [30 ILCS 105/6z-32] 15.26

SOURCE: Adopted AUG 0 7 1998

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### SUBPART A: INTRODUCTION

### Section 367,110 Purpose

The Illinois Environmental Protection Agency is authorized by the Illinois Lake Management Program Act [525 ILCS 25] and the Conservation 2000 Projects Fund [30 ILCS 105/6z-32] to establish a program for managing and improving the uses and water quality of Illinois inland lakes and, to that end, to provide financial assistance to lake owners to implement comprehensive use and water quality improvement strategies. This Part 367 establishes the eligibility criteria for financial assistance awards, the procedures for submitting financial assistance applications, and the criteria under which applications will be reviewed by the Illinois Environmental Protection Agency.

### Section 367.120 Definitions

- a) Unless otherwise specified, all terms shall have the meanings set out in the Illinois Lake Management Program Act [525 ILCS 25] and the Illinois Environmental Protection Act [415 ILCS 5].
  - b) For the purposes of this Part, the following definitions apply:

## Agency: the Illinois Environmental Protection Agency.

Comprehensive Lake Management: an action resulting from lake management strategies and plans that address all potential causes of lake degradation, including factors situated both in the lake and within the lake's tributary watershed; and followed by the development and implementation of management strategies that impart long-term improvements and benefits for the lake. [525 ILCS 25/3(c)]

Diagnostic and Feasibility (Phase I) Study: the gathering of data to document the existing and potential sources of pollution and to determine the limnological, morphological, demographic, and other pertinent characteristics of an inland lake and its associated watershed and the analysis of this information to determine the most appropriate method for improving or preserving the quality of the lake for intended uses and determine the need for a Long-Term Restoration and Preservation (Phase II) Project or a Lake Water Quality Maintenance Program (LQMP). [525 ILCS 25/3(d)]

Financial Assistance Agreement (FAA): an agreement between the Agency and the lake owner that covers the conditions of the financial assistance award.

Financial Assistance Recipient: a lake owner who has entered into a Financial Assistance Agreement with the Illinois Environmental Protection Agency.

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Illinois Clean Lakes Program: the inland lake study or implementation financial assistance award program administered by the Agency pursuant to the Illinois Lake Management Act [525 ILCS 25] and the Conservation 2000 Fund program [30 ILCS 105/6z-32].

Lake: any inland lake as defined in Section 3(e) of the Illinois Lake Management Act [525 ILCS 25/3(e)].

Lake Owner: the owner, owners, or designated management authority of any inland lake who possesses the legal authority over a given lake and the ability to generate revenue and in-kind contributions to perform Diagnostic and Feasibility Studies and to enact comprehensive lake management through the implementation of Long-Term Restoration and Preservation Projects (Phase II) and Lake Water Quality Maintenance Programs. [525 ILCS 25/3(f)]

Lake Water Quality Maintenance Program (LQMP): the water quality maintenance program described in Section 3 of the Illinois Lake Management Program Act [525 ILCS 25/3] for implementation of a lake and watershed management plan recommended by the Diagnostic and Feasibility (Phase I) Study which provides short-term relief from nuisance aquatic vegetation and algae growth; projects under this program must demonstrate that the proposed maintenance program would result in attainment of significant public recreational lake use, and that watershed management plans are being implemented to control and reduce incoming nutrients, sediments, and other pollutants. [525 ILCS 25/3(1)]

Long-Term Restoration and Preservation (Phase II)
Project: implementation of lake and watershed management plans as developed under the Diagnostic and Feasibility Study which will provide for long-term restoration benefits and long-term preservation of the lake's water quality. [525 ILCS 25/3(9)]

Monitoring: programs to scientifically document the existing chemical, physical, and biological quality of a lake and the potential sources of pollutants which might lead to the lake's degradation or reduced environmental and cultural values. [525 ILCS 25/3(h)]

## Section 367.130 Incorporations

- a) The following materials are incorporated by reference:
- 1) American Institute of Public Accountants Professional Standards, 666 Fifth Avenue, New York, New York 10019 (1997)
- 2) Protocol for the Conduct of Phase I Diagnostic-Feasibility Studies and Environmental Evaluations, Appendix E, Clean Lakes Program Guidance Manual, EPA 440/5-81-003, USEPA Office of Water Regulations and Standards (1980)

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Section contain no additional in this incorporations included editions or amendments. (q

## SUBPART B: FINANCIAL ASSISTANCE PROGRAMS

## Section 367.210 Financial Assistance Awards

The following financial assistance awards are available under the Illinois Clean Lakes Program for lake protection and restoration at the local level:

- Diagnostic and Feasibility Study to determine, through monitoring, the to conduct a Phase I current limnological, morphological, demographic, and socioeconomic conditions of a specific lake and its watershed and to develop action Diagnostic and Feasibility Study (Phase I) Awards plans for future lake protection and restoration. These awards are available to lake owners
- or equivalent study report that meets the requirements of Subpart J of These awards are available to lake owners who have completed a Phase I this Part and who agree to implement lake and watershed management plans that provide for the long-term restoration of lake water quality Long-Term Restoration and Preservation Project (Phase II) Awards and associated designated lake uses. Q
- These awards are available to lake owners who have completed a Phase I or equivalent study report that meets the requirements of Subpart J of this Part, and who agree to implement lake and watershed management Lake Quality Maintenance Program (LQMP) Awards plans that will: G
- provide short-term relief from nuisance aquatic vegetation and algae growth; and 7
- other beneficial lake uses such as swimming, fishing, or boating; result in the attainment of significant public recreational and 2)
- 40 control incoming pollutants, such as sediment and nutrients. insure that watershed management plans are being implemented [525 ILCS 25/3(j)] 3)

## Section 367.220 Assistance Eligibility Criteria

- Any inland lake owner who meets the following criteria is eligible apply for a Phase I, Phase II or LOMP assistance award: a)
- agreements with local, State and federal agencies and private The lake owner has the legal authority to enter into contracts or organizations for the purpose of performing Phase I, Phase II LOMP projects;
  - lake owner has the authority and ability to adopt, implement and enforce official controls; and 2)
- The lake owner has the authority and ability to generate revenue and in-kind contributions, and agrees to pay the local share of project costs. 3)

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- Assistance may be requested for any Illinois inland lake as defined in Section 3(e) of the Illinois Lake Management Act that meets the following requirements: ( q
- physical or biological problem resulting in the impairment identifiable and quantifiable chemical, of beneficial uses; or A) the lake has an Either:
- threatened by any point or nonpoint source of pollution; and the primary uses of the lake include general recreation, public the lake is in need of protection or is potentially being B)
  - water supply, aquatic life, or primary contact. 5)
- following lakes will generally not be considered eligible for Phase I, Phase II or LQMP assistance: The ο
- side-channel impoundments that are mechanically filled with water, and cannot be naturally recharged by surface water runoff lakes whose primary function is as stormwater detention basins;
- lakes that have a surface acreage of less than six acres; 3)

or groundwater inflow;

- ponds owned and managed by private landowners; and
  - river backwater lakes.

## Section 367.310 Phase I Study Awards

- Through the Clean Lakes Program, the Illinois Environmental Protection will provide up to a maximum of 60% of the total cost of a Phase I Diagnostic and Feasibility Study project (up to a maximum of \$75,000), with the lake owner or other sources providing a minimum \$0\$Agency a)
- not However, the maximum Agency contribution per study project shall exceed \$125,000 in cases where: ( q
  - or a single lake owner applies for a study project involving 2 more distinct, yet hydraulically connected, lakes; or
- more distinct, non-hydraulically connected, lakes that lie within a single lake owner applies for a study project involving 2 or the jurisdictional boundary of the applicant lake owner; or 5)
- the Agency determines that it would be technically, economically or administratively more feasible to combine into 1 study project application 2 or more applications submitted by a single lake owner for 2 or more hydraulically connected or non-hydraulically 3)

### SUBPART C: FUNDING LEVELS

## Section 367,320 Phase II and LQMP Awards

Agency will provide up to a maximum of 50% of the total project cost for Phase II Long-Term Restoration and Preservation Projects or LQMP Through the Clean Lakes Program, the Illinois Environmental Protection a)

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will be allocated to any Phase II project, and no more than a maximum projects, with the lake owner or other sources providing a minimum 50% No more than a maximum of \$300,000 in State cost-share monies of \$10,000 in State cost-share monies will be allocated to any LQMP project.

of this Part and who have conducted or are currently conducting Phase (33 USC 1324) (Federal Clean Lakes Program) may Lake owners whose Phase I reports meet the requirements of Subpart J apply for Phase II or LQMP assistance awards under the Illinois Clean I type work under the auspices of Section 314 of the Federal Pollution Control Act Lakes Program. Q)

## SUBPART D: ASSISTANCE APPLICATIONS

## Section 367.410 Assistance Award Pre-Application

Lake owners seeking Phase I, Phase II or LQMP funding assistance shall submit following pre-application information to the Agency by August 31 of each year: the

Lake name;

Lake location (city and county);

local οĘ project sponsor (grant applicant, source Name of local Q q ô

match);

Name, address and telephone number of local contact;

Name, address and telephone number of person who prepared application;

Type of award requested (Phase I, Phase II or LQMP); d) f) f) j)

Estimated local match for project; Estimated project cost;

Project period;

Lake characteristics:

Surface area (acres and hectares); 7

Maximum depth (feet and meters); Mean depth (feet and meters); 3)

Volume (acre-feet and cubic meters); 4)

Type of lake and year constructed (if applicable); Retention time (in years, if available); 2 (9

Watershed characteristics (in acres and hectares and percentage of total area): ¥

Total watershed area; 7

Cropland; 5)

Pasture; Forest; 3)

2)

Other; (9

Lake ownership and access: 7

to lake degree of public access Specific description of lake bottom ownership; Specific description of the shoreline; 1)

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- Lake use: Ê
- List of major uses associated with the lake; 7
  - List of available recreational facilities; 2)
- Estimated annual recreational use in visitor days (1 user per day = 1 visitor day);

3)

- Public water supply usage (population served and millions of gallons per day);
  - A brief description of the lake's history, use, importance and п С
- of the lake's impaired uses and water quality problems, including the causes of the problems; A brief description watershed conditions; 6
- A brief description of the lake restoration plan including, for Phase for Phase II or LOMP projects, the measures planned to be implemented and the estimated I projects, the measures anticipated; and, ( d
- A brief description of the level to which the watershed area has been protected to prevent pollution of the lake; cost of each measure; G b
- any A brief description of the history of any lake restoration or previous local efforts to solve the existing problems. ()

## Section 367.420 Phase I Assistance Application

Applications for Phase I financial assistance shall be forwarded to the Agency The Phase by the lake owner no later than October 31 of each year. application shall include the following information:

Application Proposal

Diagnostic and Feasibility Study as required under Subpart J of this Part, including a A narrative statement describing the specific procedures that will be used to conduct a Phase I Diagnostic and Feasibility description of public participation measures.

A description of the division of labor and responsibility for the Phase I study. 2)

A milestone schedule.

An itemized cost estimate, including justification of the costs. 4)

Mandatory lake information as follows:

A) Lake name;

Lake location (including latitude and longitude of the lake center); B)

Physical characteristics of the lake, including: ô

Surface area (acres and hectares);

Maximum depth (feet and meters);

Volume (acre feet and cubic meters); iii) Mean depth (feet and meters); iv)

Stratification;

Retention time (in years);

vii) Major inflows and outflows.

summary of available chemical and biological data indicating the past and present water quality of the lake. (9

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- 7) A detailed description of the type and amount of public access and a discussion of the public benefits of protecting and restoring the lake.
  - 8) A description of the recreational, public water supply, and other uses impaired due to degraded water quality and a discussion of the causes and sources of impairment.
- A discussion of local interest and resource commitment in lake restoration.
- 10) A description of a proposed Phase I monitoring program to provide for the collection of the information required in Section 367.1020 of this Part.
- 11) Lake watershed characteristics as follows:
- A) Size (acres and hectares);B) Land use (each major use as a percentage of whole);
  - C) General topography and major soil types.
- A listing of the major point source discharges in the lake watershed (including NPDES permit numbers).
- An estimate of the percent contribution of total nutrient and sediment loading to the lake by identified point sources.
- sediment loading to the lake by identified point sources.

  14) A listing of the major nonpoint sources in the lake watershed and a description of the control measures applied.
  - 15) A discussion of the lake or watershed management practices currently being implemented.
- 16) A discussion of the anticipated lake protection or restoration methods and the projected net improvements in the chemical, physical or biological quality of the lake.
  - 17) A discussion of any anticipated adverse environmental impacts due to the lake restoration.
    - b) Certifications
- The Phase I assistance application shall include a completed and signed set of certifications as provided in the Agency's application package.
  - c) Project Cost Summary
- The Phase I assistance application shall include a completed and signed Project Cost Summary worksheet as provided in the Agency's application package that specifies all expenditures requested for the project.

## Section 367.430 Phase II Assistance Application

Applications for Phase II long-term restoration and preservation project assistance shall be forwarded to the Agency no later than October 31 of each year. Phase II assistance applications shall consist of a completed and Agency-approved Phase I Diagnostic and Feasibility Study and a set of completed and signed certification and project cost summary documents.

## Section 367.440 LQMP Assistance Application

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Applications for LQMP assistance shall be forwarded to the Agency no later than October 31 of each year. An LQMP application shall consist of a completed and Agency-approved Phase I Diagnostic and Feasibility Study, and a set of completed and signed certification and project cost summary documents. The Feasibility portion of the Phase I study (see Section 367.1030 of this Part) shall include a demonstration that the proposed maintenance activities will result in the attainment of significant recreational and other beneficial lake uses such as swimming, fishing and boating, and that watershed management plans are being implemented to control and reduce incoming nutrients, sediments and other pollutants.

## Section 367.450 Re-application

A lake owner whose application was not funded may resubmit the application in a subsequent fiscal year by notifying the Agency in writing on or before August 31. The lake owner shall submit to the Agency by October 31 an update of the information previously submitted.

## Section 367.460 Project Selection

All applications received by October 31 of each fiscal year will be reviewed for funding by the Agency in accordance with the "Procedures for Determining Priorities for Inland Lake Study and Implementation Project Awards," 35 Ill. Adm. Code 368.

## SUBPART E: PUBLIC PARTICIPATION

## Section 367.510 Public Notification of Assistance Award

Within two months after receipt of a signed financial assistance award agreement the lake owner shall submit to newspaper, radio and television stations in the immediate project area a news release that includes the following information:

- a) program name;
- b) the program sponsors;
- c) a statement of purpose;
- d) the anticipated timeframe for the study;
- e) the name and address of the local contact person; and

# ) a statement inviting participation from the general public.

# Section 367.520 Public Participation in the Selection of a Lake Restoration or Protection Plan

Prior to selecting final restoration alternatives, the lake owner shall hold a public meeting to solicit public comment in developing, evaluating and selecting restoration practices. A public notice shall be published in a newspaper of general circulation in the immediate project area 30 days in advance of the meeting and shall include the following information:

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- the purpose, date, time and location of the public meeting; a)
- a description of the proposed restoration alternatives in fact sheet or summary form; and
- the location, including address and telephone number, where complete information may be obtained. G

## SUBPART F: REPORTING REQUIREMENTS

## Section 367.610 Monthly Reports

include a discussion of such matters as work progress, project findings, and any difficulties encountered. Monthly reports shall cover the period from the All award recipients who are carrying out Phase I, Phase II and LQMP projects shall submit monthly project status reports to the Agency. These reports shall 25th day of one month to the 24th day of the next month, and shall be due the Agency on the last day of each month.

## Section 367.620 Final Phase I Report

Phase I final reports meeting the requirements of Subpart J of this Part shall be submitted to the Agency on the date specified on the financial assistance agreement.

## Section 367.630 Final Phase II and LQMP Reports

monitoring program for at least one year after all protection or restoration practices have been implemented. This program, as specified and agreed upon with the Agency in the final Phase I report, shall be conducted to allow for an evaluation of pre- and post-implementation lake conditions. Upon completion of the post-implementation monitoring program, the lake owner shall prepare a final report that discusses project implementation and results. The final final report that discusses project implementation and results. The final report shall, at a minimum, include the topics and be organized according to Lake owners with Phase II or LQMP projects shall carry out a limited lake to the Agency on the date the following format, and shall be submitted established in the financial assistance agreement:

- a) An Executive Summary section;
- An Introduction section; ( q
- A description of the implementation program, including both A Materials and Methods section, including the following: watershed and in-lake treatments implemented;
- A description of pre- and post-implementation water quality sampling and analysis procedures, including:
  - A) physiochemical and limnological data collection;
- chlorophyll and phytoplankton data collection; and
  - other applicable data collection;
- A description of the methods used to calculate a hydrologic 3)
- A description of the methods used to calculate a nutrient budget; 4)

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- how A description of the methods used to calculate a sediment budget; A description of data analysis procedures, including how data were grouped into pre- and post-implementation periods 6)
- A Results and Discussion section, including: data were analyzed; q)
- 1) An analysis of the watershed implementation program;
- An analysis of the in-lake implementation program pertaining to:
  - dissolved oxygen and temperature;
- Secchi transparency and suspended solids; alkalinity, pH and conductivity;
- chlorophyll;
- phytoplankton; and
- other applicable parameters;
- An analysis of pre- and post-implementation hydrologic budgets; An analysis of pre- and post-implementation nutrient budgets; and An analysis of pre- and post-implementation sediment budgets;
  - A Conclusions and Recommendations section; 2)
- A References section;
- An Appendices section. e) g)

## SUBPART G: ASSISTANCE AWARD CONDITIONS AND LIMITATIONS

## Section 367.710 Financial Assistance Agreements

owner must enter into an intergovernmental financial assistance agreement (FAA) with the Agency. The assistance agreement shall include, at a minimum, the In order to receive an Illinois Clean Lakes Program assistance award, a following elements:

- The agreement period; a)
- A project description and scope of work; Q
- A project schedule;
- An identification of allowable project costs and associated cost-share rate; c) q)
  - Conditions for financial assistance; and
  - Signed certifications of the applicant's authority and involvement the project. (See Section 367.420(b) of this Part.) e)

# Section 367.720 Phase I Project Implementation Requirement

the lake owner must agree to apply, at a minimum, the restoration practices and methods described and recommended in the approved Phase I Report required under In order to receive a Phase II or LQMP implementation project assistance award, Section 367.1130.

## Section 367.730 Agreement Period

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Financial assistance agreements for Phase I studies shall have a maximum term of 36 months. The lake owner may, however, apply to the Agency in writing for a no-cost time extension of up to six additional

Phase II Implementation (q Financial assistance agreements for Phase II implementation projects apply to the Agency in writing for a no-cost time extension of up to shall have a maximum term of 60 months. The lake owner may, 12 additional months.

LQMP Implementation ô

writing for a no-cost time extension of up to six additional months in maximum term of 18 months. A lake owner may apply to the Agency in cases where seasonal or other physical lake conditions prevent Financial assistance agreements for LQMP implementation shall have completion of the project within an 18-month period.

## Section 367.740 Appropriation Contingency

All assistance awards are contingent upon the availability of Illinois General Assembly appropriations to conduct the Illinois Clean Lakes Program.

## Section 367.750 Project Changes

- 1) increase the amount of assistance award funds needed to complete Prior approval by the Agency is required for project changes that may: a)
- alter the design or scope of the project; or 2)

the project;

- The assistance award recipient shall promptly notify the Agency, in extend any contractual completion date for the project. (q
- Failure by the award recipient to give notice of proposed project changes or the Agency's 1) disallowance of costs incurred that are attributable to the disapproval of a proposed project change may result in: proposed project changes. writing, of all
- termination of the assistance award. change; or 2)

## Section 367.760 Financial Assistance Award Termination

- Termination by the Agency
- financial assistance award in whole or in The Agency may, by written notice and after consultation with the part. The following circumstances may be cause for termination of terminate the recipient, award:
- t0 appropriate or otherwise make available sufficient funding for the Illinois General Assembly or a funding assistance agreement; 1) failure of
  - default by the award recipient;
  - failure of the recipient to comply with the terms and conditions 3)

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of the financial assistance agreement; recipient failure of the 4)

to comply with the requirements of Subpart I of this Part;

failure to obtain approval of the Agency prior to making project 2)

changes in program requirements or priorities.

Effects of Termination ( q

to the State of Illinois Conservation 2000 Project Fund any unexpended effective date of the termination. The provisions of the Illinois Grants Recovery Act [30 ILCS 705] shall be applicable to the recovery any award funds that the Agency determines have been misspent or Upon termination of the assistance award, the recipient shall refund pay for allowable costs for materials and equipment furnished, or for assistance award funds, except for funds required by the recipient services rendered under an enforceable contract, prior to are being improperly held by the award recipient.

Repayment of Assistance Award Ω

reasons set out in subsection (a)(3), (a)(4) or (a)(5) of this Section, the Agency may require that the award recipient repay to the State of Illinois Conservation  $2000~{\rm Fund}$  any financial assistance Upon termination by the Agency of an assistance award for any funds it has already expended.

## Section 367.770 Subcontracts

or consultants in connection with any services covered by a financial assistance agreement unless specifically authorized by the Agency. When subcontracts are authorized, the lake owner shall submit to the Agency an executed copy of each The lake owner may not use any subcontractors, outside associates agreement within seven days after signature.

## Section 367.780 Drug Free Workplace

- signing the financial assistance award or who is directly responsible for specific performance under an assistance award of \$5,000 or more shall certify that it will provide a drug free workplace by taking the Every award recipient who has 25 or more employees at the time of following steps: a)
  - Publishing a statement:
- controlled substance, including cannabis, is prohibited in manufacture, nse unlawful OF dispensation, possession, the the award recipient's workplace; that employees distribution, notifying

specifying the actions that will be taken against employees for violations of such prohibitions; B)

notifying the employee that, as a condition of employment on such award project, the employee will: Û

abide by the terms of the statement; and

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- drug statute conviction for a violation occurring in the workplace not later than five days after such conviction. any criminal notify the employer of ii)
- Establishing a drug free awareness program to inform employees apont: 2)
  - dangers of drug abuse in the workplace;
  - the award recipient's policy of maintaining a drug free workplace; A) B)
- any available drug counseling, rehabilitation, and employee assistance programs; and 0
- penalties that may be imposed upon employees for drug violations. (Q
- Providing a copy of the statement required by subsection (a)(1) the performance of the assistance award and posting a copy of the statement in a of this Section to each employee engaged in prominent place in the workplace. 3)
- conviction under subsection (a)(1)(C)(ii) of this Section from an Notifying the Agency within ten days after receiving a notice of employee or otherwise receiving actual notice of a conviction. 4)
- Imposing a sanction on, or requiring satisfactory participation in a drug abuse assistance or rehabilitation program by any employee who is convicted of a violation of a criminal drug Assisting employees in selecting a course of action in the event statute, as required by Section 5 of the Drug Free Workplace Act. 2 (9
  - Making a good faith effort to continue to maintain a drug free drug counseling, treatment and rehabilitation is required and indicating that a trained referral team is in place. 7
    - workplace through implementation of the Drug Free Workplace Act. [30 ILCS 580/3]
- the recipient is an individual, the recipient shall certify that he or or use of a controlled substance in the she will not engage in the unlawful manufacture, distribution, In cases where the financial assistance award is more than \$5,000 [30 ILCS 580/4] performance of the Clean Lakes project. possession, dispensation, Q

# Section 367.790 Final Inspection for Phase II and LQMP Projects

schedule a final inspection of the project within 60 days after the receipt of The award recipient shall notify the Agency in writing within 30 days after the The Agency will completion of Phase II implementation project activities. the notice.

## SUBPART H: ACCESS, AUDITING AND RECORDS

#### Section 367.810 Access

during normal working hours and at all other times when work is being The Agency and its authorized representatives shall have access, a)

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which the financial assistance award was provided is being performed. performed, to the area or premises where any portion of the work

- contracts entered into by a financial award recipient in connection with a Phase I, Phase II or LQMP project shall provide that the Agency and its authorized representatives shall have access to any pertinent books, documents, papers and records of the subcontractor work being performed by the subcontractor as well as access to all for the purpose of auditing, examination, excerpting or transcribing. Q
  - provide the access required by this Section, after 10 days written notice from the Agency, may be cause for termination of the assistance agreement pursuant to Section 367.760 of this Part and refund to the Illinois Conservation 2000 Project Fund of any unexpended Failure of the assistance award recipient or of a subcontractor assistance funds. State of Û

## Section 367.820 Audit and Records

- documents, reports, and other evidentiary material and accounting procedures and practices that are consistent with generally accepted Standards (666 Fifth Avenue, New York, New York 10019; 1997) to properly account for: with the The assistance award recipient shall maintain books, accounting standards in accordance Institute of Public Accountants Professional government a)
  - award recipient for the project, including both State assistance 1) the receipt and disposition of all assistance received by and any matching share or cost sharing; and
- The costs charged to the project, including all direct and indirect costs incurred for the performance of the project. 2)
  - items enumerated in subsection (a) shall constitute "records" for the purposes of this Section 367.820. The Q
- by the Agency or its authorized representative at the times specified in Section 367.810 of this Part (Access). The award recipient's records shall be subject to inspection and audit ô
- The award recipient shall preserve and make the records available to the Agency or its authorized representative for a period of seven years beyond the termination of the assistance award. q
- termination of the assistance agreement and refund to the State of Failure of the assistance award recipient or a subcontractor to make the records available as required by Section 367.810 of this Part (Access) after 10 days written notice from the Agency may be cause for Illinois Conservation 2000 Project Fund of any unexpended assistance ( e

#### SUBPART I: PAYMENTS

# Section 367.910 Determination of Allowable Project Costs

The award recipient shall be paid upon request, in accordance with a)

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I, Phase II or LQMP project development that the Agency determines to Section 367.930 of this Part, for all costs within the scope of Phase be allowable in accordance with the criteria set out in subsection (b) Allowable Project Costs of this Section.

Project costs of the award recipient that are reasonable and necessary are allowable costs. Necessary costs may include, but are not limited to:

data development Monitoring activities (physical, chemical, and biological);

Lake and watershed information and

7

(q

Project management and administration; 3)

Development of reports and public information materials; 4)

Equipment purchases; 5)

Implementation of lake restoration alternatives recommended in an approved Phase I report;

Implementation of watershed best management practices recommended in an approved Phase I report that are critical to the success of an implementation project. 7)

Ineligible Costs ς Ω

The following project costs are ineligible for reimbursement:

Any costs that are incurred prior to the start of or after the 7

end of the financial assistance agreement period; Operation and maintenance of in-lake or watershed related practices and equipment; 2)

Installation of facilities or equipment that are eligible for funding under the Water Pollution Loan Program authorized by ILCS 5/19.1. 3

Activities related to the purchase or long-term leasing of land solely to provide public access; 4)

or waste, Activities regulated by State solid waste, toxic hazardous waste related permits or regulations; 2

Activities funded by State or federal grants for wastewater treatment facilities; (9

or Activities related to building, utility, highway construction; 7

Activities that violate State, local, or federal laws, ordinances Activities implemented for flood control purposes; 86

## Section 367.920 Requests for Payment

Requests for payment of expenditures incurred in connection with Phase I, Phase LQMP projects shall be submitted to the Agency no more frequently than monthly and shall include the following information: II and

Period in which the costs were incurred; Project name and location; a)

Amount requested;

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Itemized accounting reports;

Subcontractor billing statements; d)

recipient award the by Documentation of payments made subcontractors; and f)

t0

Any other information necessary to document costs incurred and paid. (b

## Section 367.930 Reimbursement Rate

Eligible costs incurred in connection with Phase I projects shall be paid by the Agency according to the maximum cost-share rate of 60%, as or the cost-share rate established in the financial assistance agreement. provided in Section 367.310 of this Part, Phase I Projects a)

Eligible costs incurred in connection with Phase II or LQMP projects shall be paid by the Agency according to the maximum cost share rate of 50%, as provided in Section 367.320 of this Part, or the cost-share rate established in the financial assistance agreement. Phase II and LQMP Projects q

## Section 367.940 Contingency

The Agency may hold up to 10% of the total project costs prior to final payment to ensure that all requirements of the project have been met.

## Section 367.950 Withholding of Payments

The Agency may withhold payment to an assistance award recipient who is not meeting the project schedule contained in the financial assistance agreement.

## Section 367.960 Final Payment

pursuant to Section 367.950 of this Part, will be made for Phase I projects upon a determination by the Agency that the project has been Final payment, including release of any funds held by Phase I Projects a)

the Agency

implemented according to the scope of work contained in the approved financial assistance agreement. Phase II and LOMP Projects

(q

Final payment, including release of any funds held by the Agency pursuant to Section 367.950 of this Part, will be made for Phase II and LOMP projects after the Agency has conducted a final inspection pursuant to Section 367.790 of this Part and has determined that the project has been implemented according to the final Phase I Diagnostic and Feasibility Study and the scope of work contained in the approved financial assistance agreement.

SUBPART J: REQUIREMENTS FOR PHASE I DIAGNOSTIC AND FEASIBILITY STUDIES AND ENVIRONMENTAL EVALUATIONS

## ENVIRONMENTAL PROTECTION AGENCY

### NOTICE OF ADOPTED RULES

### Section 367.1010 General

Clean Lakes Program Guidance Manual, incorporated by reference in Section I study reports shall include the elements contained in this Subpart J, in the order presented and under appropriate subheadings. The information required by Section 367.1020 of this Part shall be collected in accordance with Diagnostic-Feasibility Studies and Environmental Evaluations," Appendix E, 367.130 of this Part. So long as the adequacy of the technical information and the integrity of the project are maintained, the information required by Section 367.1120(j) of this Part may be modified to conform to specific project requirements to reduce project costs. All modifications must be approved Conduct the for "Protocol the oĘ the requirements the Agency.

## Section 367.1020 Phase I Diagnostic Study

The Phase I diagnostic study shall contain the following elements:

- Identification of the lake to be restored or studied, including:
  - the name of the lake; 1)
- the location of the lake within the State; 3)
- the general hydrologic relationship of the lake to associated upstream and downstream waters; and
- the water quality standards applicable to the lake under 35 Ill. Adm. Code 302. 4)
- description of the drainage basin including soil types and soil loss to stream courses that are tributary to the lake. geological K Q q
- A description of the public access to the lake including the amount G
- and type of public transportation to the access points. A description of the size and economic structure of the population residing near the lake that would use the improved lake for recreation and other purposes. q)
- A summary of historical uses of the lake, including recreational uses the present time, and a discussion of how these uses may have changed because of water quality degradation. up to ( e
- An explanation, if a particular segment of the lake user population is or will be more adversely impacted by lake degradation. E)
  - A statement regarding the water use of the lake compared to other lakes within a 50-mile (80-kilometer) radius. g)
- An itemized inventory of all known point source pollution discharges that affect or have affected lake water quality over the past five years, and a description of any abatement actions that have been completed or are in progress for these discharges, including the frame for any contemplated future corrective action. h)
- A description of the land uses in the lake watershed that lists each land use classification as a percentage of the whole and quantifies the nonpoint pollutant loading produced by each land use category. j)
- A discussion and analysis of historical baseline limnological data and one year of current limnological data, including the following: Ĵ.

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## ENVIRONMENTAL PROTECTION AGENCY

the present trophic condition of the lake;

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- surface area of the lake (acres and hectares); 3)
- maximum depth of the lake (feet and meters);
  - average lake depth (feet and meters);
    - hydraulic residence time;

hectares);

- the area of the watershed draining to the lake (acres and 5)
- lake and
- the physical, chemical, and biological quality of the important lake tributary waters; 7
  - bathymetric maps;
- standards if dredging is expected to be included in the restoration activities, an analysis of representative bottom sediment core for phosphorus, nitrogen, heavy metals and other persistent synthetic organic chemicals where appropriate; quality contained in 35 Ill. Adm. Code: Subtitle C, Chapter chemicals appropriate to the State water 6 6
  - in the restoration activities, the results of elutriate testing pursuant to 35 Ill. if dredging is expected to be included Adm. Code 186; 10)
    - an assessment of the phosphorus, nitrogen, and sediment inflows and outflows associated with the lake and a hydraulic budget including groundwater flow; 11)
- temperature and dissolved oxygen data for the lake to determine if the hypolimnion becomes anaerobic and, if so, how long and over what extent of the bottom; vertical 12)
  - total and dissolved phosphorus, nitrite, nitrate, ammonia and organic nitrogen concentrations for the lake; 13)
    - measured chlorophyll values for the upper mixing zone;
- representative alkalinities; 15)
- an assessment of the algal growth limiting nutrient, based on total nitrogen to total phosphorus ratios; 16)
- 17) a discussion of the extent of algal blooms and the predominant algal genera;
  - counts (numbers of cells per milliliter), and derived from direct measurements, and reported in biomass of each major genus 18) algal biomass, determined through algal genera identification, converted to cell volume based on factors cell density identified;
- Secchi disc depth and suspended solids measurements; 19)
- an estimate (and map) of the portion of the shoreline and bottom Or higher aquatic vegetation), specifically the lake surface area between 0 and the 30 foot (10 meter) depth contour or twice the Secchi disc transparency depth, whichever is less, that is impacted by vascular plants (submersed, floating, including identification of the predominant species; 20)
- an estimate of the sediment load to the lake via shoreline erosion, and a map depicting the location and severity of shoreline erosion;

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- consumption, standard bacteriological analyses and fish flesh analyses for organic and heavy metal contamination shall be included unless otherwise specified in the financial assistance All sample analyses shall be conducted by a laboratory certified by the Agency as capable of carrying out sent to an Agency 22) for lakes subject to significant public contact use or fished for agreed to by the lake owner and the Agency in the financial laboratory for quality assurance and quality control analysis Samples shall be water quality analyses. assistance agreement. agreement.
- such as fish population, and a discussion of the major known An identification and discussion of the lake's biological resources, ecological relationships. Š

## Section 367.1030 Phase I Feasibility Study

The Phase I Feasibility Study shall include the following elements:

- or lake restoration and an identification and the selected alternatives. This shall include, for a) An identification and discussion of the alternatives considered for each alternative, including the selected alternative, a discussion the following issues: pollution control justification of
  - expected water quality improvement; 1
    - technical feasibility; 2)
- estimated costs of each alternative;
- for each alternative, detailed descriptions that:
- specify exactly what activities would be undertaken; A)
- that would be followed, including preliminary engineering drawings to show show how and where these procedures would be implemented; illustrate the engineering specifications G G
- effectiveness and the lake water quality improvement that is in detail the construction aspects of the project; and present a quantitative analysis of the pollution anticipated. â
- A discussion of the particular benefits expected to result from project implementation, including new public water uses that may result from the enhanced water quality. Q)
- A lake monitoring program, including a water quality sampling schedule, that meets the requirements of Section 367.630 of this Part. ς υ
  - A proposed work schedule for completing the project, with milestones and a proposed budget and payment schedule that are related to the milestones. q)
- A detailed description of how non-State funds will be obtained for the (e
- proposed project that is in compliance with Section 367.520 of this A summary of public participation in developing and assessing the Part. The summary shall describe the matters brought before the public, the public response, and the lake owner's response proposed project. £)

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significant comments.

- A description of the operation and maintenance plan that the lake owners will follow, including the time frame over which this plan will be operated, to ensure that the pollution controls implemented during the project are continued after the project is completed. g)
  - copies of all permits or pending permit applications (including the status of applications) necessary to satisfy the requirements of Sections 401 and 404 of the Federal Water Pollution Control Act (33 USC 1341, 1344). If applicable, h)
- activities requiring permits, the lake owner must obtain from the U.S. of Engineers and the Agency the permits required for the discharge of dredged or fill material. The lake owner shall provide of federal permit applications and any associated correspondence must be provided to the Agency at the time they are submitted to the U.S. Agency may provide, pursuant to Section 401 of the Federal Water Pollution Control Act, recommendations for appropriate controls and treatment of supernatant derived from dredged material disposal sites to ensure the maximum effectiveness of lake restoration procedures. Army Corps of Engineers. After reviewing the permit applications, If the approved project includes dredging activities or any additional information required to obtain these permits. Army Corps į)

## Section 367.1040 Environmental Evaluation

environmental evaluation that consists of full and complete answers to the As part of the Phase I study, award recipients shall submit to the Agency following questions. (Recipients are also encouraged to address considerations that they believe apply to their particular project.)

Will the proposed project displace any people?

- Will the proposed project deface existing residences or residential screening, or areas? What mitigating actions such as landscaping,
- Will the proposed project be likely to lead to a change in established use patterns, such as increased development pressure near the lake? To what extent and how will this change be controlled through buffer zones have been considered? Are they included? land G
  - the proposed project adversely affect a significant amount of land use planning, zoning, or through other methods? ď)

prime agricultural land or agricultural operations on such land?

- Will the proposed project result in a significant adverse effect park land, other public land, or lands of recognized scenic value? ( e
- Has the State Historical Preservation Agency been contacted? Has the award recipient received a response and, if so, what was the nature of that response? Will the proposed project result in a significant adverse effect on lands or structures of historic, architectural, archaeological or cultural value? £)
- Will the proposed project lead to a significant long-range increase in 6
- or Will the proposed project result in significant and long р

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- If the proposed project involves the use of in-lake chemical How will the award recipient mitigate these short range adverse changes in ambient air quality or noise levels? treatment, what long and short term adverse effects can be from that treatment? effects? į)
- involve construction of structures in the floodplain? What steps will be taken to reduce the possible effects of flood damage to Is the proposed project located in a floodplain? If so, will project j)
- or its watershed, by dredging, for example, what steps will be taken to minimize any immediate and long term adverse effects of such If the project involves physically modifying the lake shore or its bed When dredging is employed, where will the dredged material be deposited, what can be expected and what measures will the recipient employ to minimize any significant adverse impacts from its deposition? Š
- relation to the local or regional critical habitat needs? Have actions Has the award recipient consulted with the Illinois Department of on fish and wildlife, or on wetlands or any other wildlife habitat, especially How significant is this impact in to mitigate habitat destruction been incorporated into the project? Natural Resources and with the U.S. Fish and Wildlife Service? What Will the proposed project have a significant adverse effect those of endangered species? were their replies? 7
- Describe any feasible alternatives to the proposed project in terms of environmental impacts, commitment of resources, public interest and costs and discuss why they were not proposed. Œ
- to mitigate adverse environmental impacts that may result Describe any other measures not discussed previously that from the implementation of the proposed project. п П

# Section 367.1150 Approval of Phase I Recommended Alternatives

the Agency for approval an interim report that consists of the information set out in Section 367.1030(a) of this Part, along with a summary of public participation pursuant to Section 367.520(b) of this Part. completion of the final Phase I report, the award recipient shall submit to Prior to final selection of the restoration or protection alternatives and

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Heading of the Part: Definition of Salary 1)

Code Citation: 50 Ill. Adm. Code 4402

5)

- Adopted Action: Amendment Section Number: 4402.10 4402.20 3)
- Illinois Pension Code [40 ILCS 5/1A-103] (see P.A. 90-507, effective Implementing and authorized by Section 1A-103 of the Statutory Authority: August 22, 1997). 4)
- Effective Date of Amendment: August 7, 1998 2)
- Does this amendment contain an automatic repeal date? No (9
- Does this amendment contain incorporations by reference? 7)
- of the adopted amendments, including any material incorporated by reference, is on file in the Department of Insurance's principal office and is available for public inspection. 8
- Notice of Proposal Published in Illinois Register: March 27, 1998, 22 Ill. Reg. 5775 6
- No Has JCAR issued a Statement of Objections to this amendment? 10)
- No changes were made Difference(s) between proposal and final version: from the proposed version to the final version. 11)
- Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? 12)
- Will this amendment replace an emergency rule currently in effect? No 13)
- No Are there any amendments pending on this Part? 14)
- Summary and Purpose of rulemaking: These amendments will revise the main effective August 22, 1997, which repealed the majority of Division 5 of authority note and other corresponding citations pursuant to P.A. the Illinois Pension Code and replaced it with Article 1A. 15)
- Information and questions regarding this adopted amendment shall be Springfield, Illinois 62767-0001 Tom Jones, Chief Administrator 320 West Washington directed to: 16)

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(217) 782-1781

The full text of the Adopted Amendment begins on the next page.

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NOTICE OF ADOPTED AMENDMENTS

CHAPTER I: DEPARTMENT OF INSURANCE SUBCHAPTER aaa: PENSIONS INSURANCE TITLE 50:

**PART 4402** 

DEFINITION OF SALARY

Accumulated Unused Time at Retirement or Disability Salary Contributions and Pension Computations Salary for Pension Purposes Retroactive Pay Increases Non-Salary Compensation Purpose and Scope Authority 4402.60 1402.10 4402.20 4402.30 4402.35 4402.40 1402.50 Section

AUTHORITY: Implementing and authorized by Section 1A-103 22-501.4 of the Illinois Pension Code [40 ILCS 5/1A-103 22-501.1 [see P.A. 90-507, effective August 22, 1997). SOURCE: Adopted at 3 Ill. Reg. 15, p. 104, effective April 9, 1979; codified at 6 Ill. Reg. 14844; amended at 13 Ill. Reg. 3801, effective March 15, 1989; amended at 20 Ill. Reg. 5838, effective April 9, 1996; Part 6302 recodified to Part 4402 at 21 Ill. Reg. 1727; amended at 22 Ill. Reg. 159 9 6 7 effective AUG 0 7 1998

Section 4402.10 Authority

to Section 1A-103 22-501+ of the Illinois Pension Code [40 ILCS 5/18-10322-581:1] which-empowers-the-Birector ":::to-make-reasonable-rules This Part Rule is promulgated by the Director of Insurance of the State of and-reguiations...as-may-be-necessary-for-making-effective-and-impiementing-the provisions-of-the-Pension-Code...  $^{\mu-\{4\theta-IBGS-5/4-104-et-seg.\}}$ . Illinois pursuant

15296 Reg. 111. 22 AUG 07 1998 at (Source: Amended

effective

Section 4402.20 Purpose and Scope

to pension funds formed pursuant to Articles 3 and 4 of the Illinois <u>Pension Code</u>. Whis-Part-shall-apply-to-all-pension;-annuity-or-retirement-funds or-systems-under-the-authority-of-Articles-3-and-4-of-the-lllinois-Pension-Code this Part is to define the word "salary" as used in Section 3-125 and 4-124 of the Illinois Pension Code [40 ILCS 5/3-125 and 4-124] as it f40-IbGS-5/3-101-and-4-101-which-are-not-financed-in-whole-or-in-part--by--the State-of-Illinois. The purpose of

effective 1529 Reg. 111. 22 at (Source: Amended

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- Derivative Instruments Heading of the Part: 1)
- 50 Ill. Adm. Code 806 Code Citation: 2)

3)

- Adopted Action: Section New Section New Section New Section New Section New Section New Section Number: 806.10 806.20 806.30 806.50 806.40 806.60
- Statutory Authority: Implementing Article VIII and authorized by Section 126.8 and 401 of the Illinois Insurance Code [215 ILCS 5/126.1 through 126.32 (see P.A. 90-418, effective August 15, 1997) and 401]. 4)
- Effective Date of Rule: August 10, 1998 2)
- Does this Rule contain an automatic repeal date? No (9
- Does this Rule contain incorporations by reference? Yes 7)
- reference, is on file in the Department of Insurance's principal office and is available for public inspection. 8
- 22 March 13, 1998, Notice of Proposal Published in Illinois Register: Ill. Reg. 4593 6
- No Has JCAR issued a Statement of Objections to this Rule? 10)
- Difference(s) between proposal and final version: 11)
- In the Main Authority note, delete the statutory citation and add "[215 ILCS 5/126.1 through 126.32 (see P.A. 90-418, effective August 15, 1997) and 401]" in lieu thereof. a)
  - and add "[215 ILCS 5/126.1 through 126.32] (see P.A. 90-418, effective August 15, 1997)" delete the statutory citation Section 806.10, in lieu thereof. (q
- Section 806.30, in the definition of "Business Entity", delete the statutory citation and add "[215 ILCS 5/126.2(H)] (see P.A. 90-418, effective August 15, 1997)" in lieu thereof. Ω
- the last paragraph, delete the statutory citation and add "[215 ILCS Section 806.30, in the definition of "Counterparty Exposure Amount" in 5/126.2(S)] (see P.A. 90-418, effective August 15, 1997)" thereof. q
  - in the definition of "Derivative Instrument" in the Section 806.30, e

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5/126.2(V)] (see P.A. 90-418, effective August 15, 1997)" in lieu add "[215 last paragraph, delete the statutory citation and

- delete the statutory citation and add "[215 ILCS 5/126.2(W)] (see P.A. 90-418, effective August 15, 1997)" in lieu thereof. Section 806.30, in the definition of "Derivative Transaction", ()
- Section 806.30, in the definition of "Qualified Clearinghouse", delete the statutory citation and add "[215 ILCS 5/126.2(000)] (see P.A. 90-48, effective August 15, 1997)" in lieu thereof. 6
  - Section 806.30, in the definition of "Qualified Exchange" in the first paragraph change "U.S.C." to "USC". ų,
- Section 806.30, in the definition of "Qualified Exchange" in the last effective August 15, 1997)" in lieu add paragraph, delete the statutory citation and 5/126.2(PPP) (see P.A. 90-418, thereof. į)
  - Section 806.30, in the definition of "Qualified Foreign Exchange" in the last paragraph, delete the statutory citation and add "[215 ILCS 5/126.2 (QQQ)] (see P.A. 90- 418, effective August 15, 1997)" in lieu thereof. j.
- the Department may consider, but not be limited to the following items: that only board authorized individuals can effect derivative instrument transactions, that there is a separation of administrative For purposes of determining whether internal control procedures are in compliance with this Part, functions from trading functions, that periodic reporting to chief assessing of effectiveness of hedging transaction be conducted by officer of open positions occurs and that Section 806.40(d), add "Agency Note: designated person." investment ¥
- Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No. JCAR has made a number of changes to the Department's proposed rule text that we neither agree to, nor were Department has only made the change listed under number 8 of the Second Notice Changes document. informed about. The 12)
- No No Will this Rule replace an emergency rule currently in effect? 13)
- NO Are there any amendments pending on this Part? 14)
- standards for the prudent use of derivative instruments in accordance with P.A. 90-418, effective August 15, 1997. This new rule will set general guidelines and internal control procedures for derivative instruments. Summary and Purpose of rulemaking: The purpose of this Part is to set rule will also specify monitoring, trading and recordkeeping requirements for derivative instruments. 15)
- directed Information and questions regarding this adopted Rule shall be 16)

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DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

Springfield, Illinois 62767-0001 Department of Insurance 320 West Washington (217)782-1794 Larry Gorski (OR) Springfield, Illinois 62767-0001 Department of Insurance 320 West Washington (217)782-6284 Jim Hanson

The full text of the Adopted Rules begins on the next page.

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DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

SUBCHAPTER j: INVESTMENTS OF DOMESTIC COMPANIES CHAPTER I: DEPARTMENT OF INSURANCE TITLE 50: INSURANCE

DERIVATIVE INSTRUMENTS PART 806

Guidelines and Internal Control Procedures Documentation Requirements Trading Requirements Applicability Definitions Section 806.50 806.10 806.20 806.30 806.40 806.60 AUTHORITY: Implementing Article VIII and authorized by Sections 126.8 and 401 of the Illinois Insurance Code [215 ILCS 5/126.1 through 126.32 and 401] (see P.A. 90-418, effective August 15, 1997).

15300 Reg. 111. 22 at AUG 1 0 1998 SOURCE: Adopted

Section 806.10 Purpose

The purpose of this Part is to set standards for the prudent use of derivative instruments in accordance with Article VIII of the Illinois Insurance Code [215 ILCS 5.126.1 through 126.32] (see P.A. 90-418, effective August 15, 1997).

Section 806.20 Applicability

of all domestic insurers and United States branches of alien insurers entered through This Part shall be applicable to investments and investment practices this State.

Section 806.30 Definitions

Business Entity includes a sole proprietorship, corporation, limited liability company, association, partnership, joint stock company, joint venture, mutual fund, trust, joint tenancy or other similar form profit. [215 ILCS 5/126.2(H] (see P.A. 90-418, effective August 15, profit or of business organization, whether organized for

Counterparty Exposure Amount means:

entered into with a business entity other than through a The amount of credit risk attributable to a derivative instrument

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cleared through a qualified clearinghouse ("over-the-counter derivative OĽ qualified exchange or qualified foreign exchange, instrument"). The amount of credit risk equals:

derivative if the liquidation of the derivative instrument would result in a final cash payment to the insurer; or over-the-counter The market value of the instrument

Zero if the liquidation of the derivative instrument would not result in a final cash payment to the insurer.

counterparty is either within the United States or, if not within the United States, within a foreign jurisdiction listed in the a written master agreement which provides for netting of payments Purposes and Procedures of the Securities Valuation Office as eligible for netting, the net amount of credit risk shall be the If over-the-counter derivative instruments are entered into under the respective parties, and the domicile greater of zero or the net sum of: bγ owed

instruments entered into under the agreement, the liquidation of which would result in a final cash payment to of the over-the-counter derivative The market value the insurer; and

liquidation of which would result in a final cash payment by of the over-the-counter derivative the agreement, into under the insurer to the business entity. market value instruments entered

shall be reduced by the market value of acceptable collateral held by the insurer or placed in escrow by one or both parties. [215 ILCS 5/126.2(S)] (see P.A. 90-418, effective August 15, For open transactions, market value shall be determined at the end of the most recent quarter of the insurer's fiscal year and

Derivative Instrument means:

combination or series ៧ An agreement, option, instrument or

specified amount of one or more underlying interests, or to To make or take delivery of, or assume or relinguish, a make a cash settlement in lieu thereof; or

or expected price, level, cash flow That has a price, performance, value or the actual nodn primarily

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more underlying OI performance, value or cash flow of one

instrument, caps, floors, collars, swaps, forwards, futures and Derivative instruments include options, warrants used in a instruments substantially similar thereto or any series or combination thereof and any agreements, options or instruments permitted pursuant to this Part. Derivative instruments shall not include an investment authorized by Sections 126.11 through 126.17, 126.19 and 126.24 to another financial 5/126.2(V)] (see P.A. 90-418, effective August 15, 1997). through 126.30 of the Illinois Insurance Code. transaction and not attached or other agreements, options

Derivative Transaction means a transaction involving the use of one or more derivative instruments. [215 ILCS 5/126.2(W)] (see P.A. 90-418, effective August 15, 1997).

rules of, a qualified exchange or a qualified foreign exchange, which provides clearing services, including acting as a counterparty to each of the parties to a transaction such that the parties no longer have Qualified Clearinghouse means a clearinghouse for, and subject to the [215 ILCS 5/126.2(000)] (see 90-418, effective August 15, 1997). credit risk as to each other.

### Qualified Exchange means:

securities Securities A securities exchange registered as a national exchange, or a securities market regulated under the Exchange Act of 1934 (15 USC 78 et seq.), as amended;

A board of trade or commodities exchange designated as a contract or any Commodity Futures Trading Commission successor thereof; the market by

Private Offerings, Resales and Trading through Automated Linkages (PORTAL); A designated offshore securities market as defined in Securities Exchange Commission Regulation S, 17 C.F.R. Part 230, as amended; A qualified foreign exchange. [215 ILCS 5/126.2(PPP)] (see P.A. 90-418, effective August 15, 1997). Qualified Foreign Exchange means a foreign exchange, board of trade or contract market located outside the United States, its territories or possessions:

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That has received regulatory comparability relief under Commodity Futures Trading Commission (CFTC) Rule 30.10 (as set forth in to Part 30 of the CFTC's Regulations, 17 C.F.R. Part Appendix C

Appendix C to Part 30 of the CFTC's Regulations, 17 C.F.R. Part 30) as to futures transactions in the jurisdiction where the that is, or its members are, subject to the jurisdiction of a has received regulatory comparability relief under CFTC Rule 30.10 (as set forth in exchange, board of trade or contract market is located; or futures authority that

of General Counsel, provided that an exchange, board of trade or contract market that qualifies as a "qualified foreign exchange" only under this definition shall only be a "qualified foreign Upon which foreign stock index futures contracts are listed that are the subject of no-action relief issued by the CFTC's Office exchange" as to foreign stock index futures contracts that are the subject of no-action relief. [215 ILCS 5/126.2(000)] (see P.A. 90-418, effective August 15, 1997).

# Section 806.40 Guidelines and Internal Control Procedures

- establish written guidelines that shall be used for effecting and Before engaging in a derivative transaction, an insurer maintaining the transactions. The guidelines shall: a)
  - 1) Address investment or, if applicable, underwriting objectives, and risk constraints, such as credit risk limits;
- Address permissible transactions and the relationship of those transactions to its operations, such as a precise identification of the risks being hedged by a derivative transaction; and
  - Require compliance with internal control procedures.
- An insurer shall have a system for determining whether a derivative instrument used for hedging has been effective. In so doing a company will be considered "effective" in measuring the hedge and then  $\operatorname{appl} y$ those criteria in the ongoing assessment based on actual hedge should set specific criteria at the inception of the hedge as to results. q
- An insurer shall have a credit risk management system for over-the-counter derivative transactions that measures credit risk exposure using the counterparty exposure amount. ô
  - An insurer's board of directors shall, in accordance with Section 126.4 of the Illinois Insurance Code [215 ILCS 5/126.4]: g q
- 1) Approve the guidelines required by subsection (a) of this Section of this and (c) and the systems required by subsections (b) Section; and
- has adequate professional implement to personnel, technical expertise and systems insurer whether the Determine

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limited to, the following items: that only board authorized individuals can effect derivative instrument transactions, that there is a separation of administrative functions from trading functions, that periodic reporting to chief investment officer of open positions occurs and that periodic assessing NOTE: For purposes of determining whether internal control procedures of effectiveness of hedging transaction be conducted by a designated person. are in compliance with this Part, the Department may consider, but investment practices involving derivatives.

## Section 806.50 Documentation Requirements

An insurer shall maintain documentation and records relating to each derivative transaction, including, but not limited to:

- purpose or purposes of the transaction; a)
- assets or liabilities to which the transaction relates; The
- The specific derivative instrument used in the transaction; G
- over-the-counter derivative instrument transactions, the name of the counterparty and the counterparty exposure amount; and For g)
- exchange exchange traded derivative instruments, the name of the the name of the firm that handled the trade. ( e

## Section 806.60 Trading Requirements

Each derivative instrument shall be:

- Traded on a qualified exchange; a)
- Entered into with, or guaranteed by, a business entity; q
- Issued or written by, or entered into with, the issuer of the underlying interest on which the derivative instrument is based; or Û
  - Entered into with a qualified foreign exchange. q)

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### DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENT

Electronic Filing Heading of the Part:

7

- Code Citation: 50 Ill. Adm. Code 4405 2)
- Adopted Action: Amendment Section Number: 4405.10 3)

Amendment

4405.20

- $\underline{Statutory\ Authority:} \quad \texttt{Implementing\ Section\ 1A-109} \quad \texttt{and\ authorized\ by\ Section\ 1A-103\ of\ the\ Illinois\ Pension\ Code\ [40\ ILCS\ 5/lA-109\ and\ lA-103]}$ (see P.A. 90-507, effective August 22, 1997). 4)
- Effective Date of Amendment: August 7, 1998 2)
- Does this amendment contain an automatic repeal date? 9
- Does this amendment contain incorporations by reference? 7
- A copy of the adopted amendments, including any material incorporated by reference, is on file in the Department of Insurance's principal office and is available for public inspection. 8
- March 27, 1998, 22 Notice of Proposal Published in Illinois Register: Ill. Reg. 5778 6
- Š Has JCAR issued a Statement of Objections to this amendment? 10)
- Lines Section 4405.10, Difference(s) between proposal and final version: 18-19 change "Pension Funds" to "pension funds" 11)
- Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? 12)
- NO Will this amendment replace an emergency rule currently in effect? 13)
- N<sub>O</sub> Are there any amendments pending on this Part? 14)
- These amendments will revise the main effective August 22, 1997, which repealed the majority of Division 5 of the Illinois Pension Code and replaced it with Article 1A. Section 1A-109 of the Illinois Pension Code [40 ILCS 5/1A-109] now requires all pension authority note and other corresponding citations pursuant to P.A. 90-507 to file an annual statement with the Department. These amendments and Purpose of rulemaking: reflect that change. Summary 15)
- pe Information and questions regarding this adopted amendment shall 16)

### NOTICE OF ADOPTED AMENDMENT

Springfield, Illinois 62767-0001 Tom Jones, Chief Administrator Department of Insurance 320 West Washington 217/782-1781 The full text of the Adopted Amendment begins on the next page

ILLINOIS REGISTER

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DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENT

CHAPTER I: DEPARTMENT OF INSURANCE SUBCHAPTER aaa: PENSIONS TITLE 50: INSURANCE

ELECTRONIC FILING PART 4405

> Authority 4405.10 Section

Electronic Filing Purpose and Scope 4405.20 4405.30

Procedure

4405.40

AUTHORITY: Implementing Section 1A-109 and authorized by Section 1A-103 of the Illinois Pension Code [40 ILCS 5/1A-109 and 1A-103] (see P.A. 90-507, effective August 22, 1997). SOURCE: Adopted at 21 Ill. Reg. 1671, effective December 1, 1997; amended at 22 Ill. Reg. 1 g 0 Q , effective AUG 07 1998 ... 22 Ill. Reg. 15 308, effective

Section 4405.10 Authority

to implement Section 1A-109 which requires all pension funds to file an annual statement with the Department of Insurance. Section 1A-103 22-504+4 of the Illinois Pension Code which empowers the Director to promulgate rules This Part is promulgated by the Director of Insurance of the State of Illinois ---make---reasonable--rules--and--regulations---as--may--be-necessary-for-making effective-and-implementing-the-provisions--of--the--Pension--Gode--- [40 ILCS 5/1A-103 22-501-1]. Further--authority--is--granted--through--the-Division-s requirement-of-accepting-annual-reports-from-all-pension--funds--{see--40--IEGS necessary for the administration and enforcement of the Illinois Pension 5/22-5031: parsaant

15308 Reg. 111. 22 at AUG 0 7 1998 (Source: Amended

effective

Section 4405.20 Purpose and Scope

1A-113 of the Illinois Pension Code [40 ILCS 5/1A-109 and 1A-113]. The purpose of this Part-is-to-establish-mandatory-electronic-filing-of--annual--statements Insurance will accept the filing of annual statements from all pension funds. All pension funds required to file an annual statement under Section 1A-109 of statement pursuant to this Part in order to comply with Sections 1A-109 and the Illinois Pension Code [40 ILCS 5/18-109] need to file their annual The purpose of this Part is to prescribe the format in which the Department to-the-Pension-Division-of-the-Illinois-Department-of-Insurance.

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#### DEPARTMENT OF INSURANCE

### NOTICE OF ADOPTED AMENDMENT

This--Part-shail-appiy-to-ail-pensions,-annuity-or-retirement-funds-or-systems, which-are-not-financed-in-whole-or-part-by-the-State-of-Illinois.

effective 15308 Reg. 111. 22 AUG 07 1998 (Source:

ILLINOIS REGISTER

#### DEPARTMENT OF INSURANCE

### NOTICE OF ADOPTED AMENDMENT

Heading of the Part: Examination and Audit Procedure

7

3)

Code Citation: 50 Ill. Adm. Code 4401 5)

Adopted Action:	Amendment	New Section	Amendment	Amendment	Amendment	Amendment	Repeal
Section Number:	4401.20	4401.25	4401.30	4401.40	4401.50	4401.60	4401.70

- Statutory Authority: Implementing Section 1A-104 and authorized by Section 1A-103 of the Illinois Pension Code [40 ILCS 5/1A-103 and 1A-104] (see P.A. 90-507, effective August 22, 1997). 4)
- Effective Date of Amendment: August 7, 1998 2
- Does this amendment contain an automatic repeal date? No (9
- N<sub>O</sub> Does this amendment contain incorporations by reference? 7)
- A copy of the adopted amendments, including any material incorporated by reference, is on file in the Department of Insurance's principal office and is available for public inspection. 8
- March 27, 1998, Notice of Proposal Published in Illinois Register: Ill. Reg. 5782 6
- Has JCAR issued a Statement of Objections to this amendment? No 10)
- Difference(s) between proposal and final version: 11)
- a) Section 4401.30, line 66, strike "seven" and add "7".
- b) Section 4401.30, line 72, change "of" to "for" after "examination".
- Section 4401.30, line 74, delete "notification of the impending examination pursuant to Section 4401.30 of this Part" and add "the Warrant of Examiners" after "of". Ω
- Section 4401.50, lines 123, strike "two" and add "2". g)
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR?
- No Will this amendment replace an emergency rule currently in effect? 13)

### DEPARTMENT OF INSURANCE

### NOTICE OF ADOPTED AMENDMENT

Are there any amendments pending on this Part? No

14)

- will also clarify existing provisions by adding definitions and a provision that allows the Department to accept a report of audit or exam Summary and Purpose of rulemaking: These amendments will revise the main the Illinois Pension Code and replaced it with Article 1A. The amendments authority note and other corresponding citations pursuant to P.A. 90-507, effective August 22, 1997, which repealed the majority of Division 5 of of a pension fund from a certified public accountant. 15)
- Information and questions regarding this adopted amendment shall be directed to: 16)

Springfield, Illinois 62767-0001 Tom Jones, Chief Administrator Department of Insurance 320 West Washington 217/782-1781 The full text of the Adopted Amendment begins on the next page.

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DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENT

CHAPTER I: DEPARTMENT OF INSURANCE SUBCHAPTER aaa: PENSIONS TITLE 50: INSURANCE

EXAMINATION AND AUDIT PROCEDURE PART 4401

> Section 4401.10

Applicability 4401.20 Definitions

Pre-Audit and Examination Procedures 4401.25

Audit and Examination 4401.40

Post-Audit and Examination Procedures Audit and Examination Hearings 4401.50 4401.60

Compliance (Repealed)

AUTHORITY: Implementing Section 1A-104 and authorized by Section 1A-103 of the Illinois Pension Code [40 ILCS 1A-103 and 1A-104] (see P.A. 90-507, effective August 22, 1997). SOURCE: Adopted at 21 Ill. Reg. 1675, effective January 28, 1997; amended at 22 Ill. Reg. 15312., effective AUG 07 1998...

Section 4401.20 Applicability

governmental units in the State of Illinois [40 ILCS 5/1A-104] [40-IE65 5/22-501]. pension; --annuity-or-retirement-funds-or-systems under the regulatory-authority funds--of--the--State--of--Illinois;-pursuant-to-Section-22-501-of-the Illinois This Part shall apply to all pension funds established Article-- $\Psi$ hree--and-- $\Phi$ of-the-Department-of-Insurance,-which-are-not-financed-in-whole-or-in--part--by

Reg. 15312 111. 22 at AUG 0 7 1998 (Source: Amended

effective

Section 4401.25 Definitions

Institute of CPA's and all states in which the accountant is licensed independent accounting firm in good standing with the American means an independent certified public accountant or Accountant

Department means the Department of Insurance of the State of Illinois [40 ILCS 5/1A-102] (see P.A. 90-507, effective August 22, 1997). Division means the Public Pension Division of the Department

### NOTICE OF ADOPTED AMENDMENT

Insurance [40 ILCS 5/1A-102] (see P.A. 90-507, effective August 22,

15312 Reg. 111. 22 AUG 0 7 1998 Added (Source:

effective

## Section 4401.30 Pre-Audit and Examination Procedures

- ILCS 5/1A-10422-502], each pension fund or retirement system under the Pursuant to Section 1A-104 22-502 of the Illinois Pension Code [40 periodic examinations or audits on behalf of the Illinois Department of Insurance. Illinois Pension Code shall be subject to a)
- Notification of an impending examination or audit will be given system which will be examined, and will identify the examiner through the issuance of a "Warrant of Examiners." This Warrant of Examiners shall state the name of the pension fund or retirement Q)
  - The Warrant of Examiners may also be accompanied by a letter, which appointed to perform the examination or audit. c)
- a review of the books and other documentation, as well as a request for materials which are to be sent examiner within 14 days after receipt of said letter. In preparing other relevant materials deemed necessary by the Division Bepartment documents shall be sent to the examiner listed in the warrant at least 2 sevem business days before the scheduled deadline. One extension of books, records, files, documents and of-Insurance to assist in the completion of such examination or audit. for the examination or audit, the Division's Bepartment -- of -- Insurance by the pension fund or retirement system to the attention in providing the All requests for an extension of time shall set a tentative date for examiner shall have access to all (p

time shall be granted automatically for a period of up to 30 days.

Thereafter, requests for extension shall only be granted for

Upon receipt of the Warrant of Examiners, a pension acceptance of the report of audit or examination does not bar the Division from making a further audit, examination, and investigation if deemed necessary by the Division [40 ILCS 5/1A-104]. Pursuant to Section 1A-104 of the Illinois Pension Code [40 ILCS examination for any pension fund or retirement system made by a certified public accountant in lieu of making an examination and examination. The Division shall notify the pension fund in writing of fund may file with the Division a certified public accountant 5/1A-104], the Division may accept and rely upon a report of audit intention to conduct or cancel the impending examination. of conducting examination for its consideration in lieu investigation. e

Reg. 111. (Source: Amended at AUG 07 1998

effective

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#### DEPARTMENT OF INSURANCE

### NOTICE OF ADOPTED AMENDMENT

## Section 4401.40 Audit and Examination

- as the need to expeditiously focus on a single issue, that has been brought to the attention of the Division Bepartment, or an examination obtained), shall be made on site, to insure that all books, documents and other relevant procedures can be made readily available to the and all information related to the participants, business affairs and expenditures of the pension board, including pension payments and investment holdings and procedures, the appointment and election of All audits and examinations, except under special circumstances (such of a small fund, where the cost and time used to travel to the site is excessive in comparison to the time spent and information actually examiner. During the audit or examination, the examiner may look at all aspects of the pension fund's or retirement system's business. This includes verification of the existence of administrative rules, policies and procedures, verification of the participants in the fund trustees, as well as any other relevant issues or procedures. a
  - Desk audits will be performed for each fund, following the timely submission of the annual statement filing. In addition, desk audits may be performed at any time on a pension fund. (q
- Situations may arise which require the Division Department to perform special examinations. These examinations are limited by the <u>Division</u> to specific areas of concern by-the-Department. The authority of the shall be the same authority which is granted to the examiner in the performance of a examiner when conducting a special examination general or full examination or audit. ĵ
- by members of the Division Bepartment-of-Insurance-Pension--Bivision's in the event that an outside auditor or examiner is hired, such person shall be given all the rights and powers held by an The majority of the audits and examinations will be performed directly employee of the Division Bepartment-of-Insurance. However, q

#### effective 60 60 60 60 60 Reg. 111. 22 MUE 6 7 1938 (Source:

## Section 4401.50 Post-Audit and Examination Procedures

- Such information shall be provided within 2 two weeks or within the time frame agreed to by the pension fund or retirement system and the Division Bepartment--of-Insurance. At any time, the Pension Division Following an examination or audit, the examiner may request further retirement system. may refer investigatory information to the Illinois Attorney General's information be provided by the pension fund or Office. a)
- examiner will prepare a written report detailing the status of the pension fund's or retirement system's compliance with the policies, Once all relevant information has been received and reviewed, the procedures and laws applicable to it. This report shall be known as q

### NOTICE OF ADOPTED AMENDMENT

the report of examination. A copy of the report of examination will be sent to the secretary of the pension fund or retirement system. The fund will then have 30 days after the date of receipt of the report to review it and make any request for a hearing based on the facts contained in the examination report.

examination report be officially filed with the Department of-Insurance and the time an order shall be entered by the Director of Insurance which requires compliance where it is determined that the pension fund or retirement system has violated the policies, procedures and laws of In response, action must be taken to comply with the findings of the examination report as detailed in the order contents shall thereafter be considered public information. or within 15 business days, whichever period is shorter. After 30 days, if no hearing is requested, the the State of Illinois. shall ΰ

effective 60 60 60 60 Reg. 111. (Source: Angadedy 1998

## Section 4401.60 Audit and Examination Hearings

- requested pursuant to this Part are limited to the accuracy of the facts contained in the report of examination. Hearings a)
- request shall be received within 30 days after the day that the pension fund or retirement system received the report of examination. All requests for a hearing shall be made in writing and delivered to Such requests shall identify the specific findings that are in the Pension Division of the Illinois Department of Insurance. dispute. Q)
- Once a timely request is received by the Division Bepartment, the <u>Division</u> Bepartment will issue a notice of hearing. All hearings will be scheduled to be held no sooner than 20 days, but no later than 30 days, after receipt of the request, and will be held in the offices of the Department of-Insurance. G
- with Illinois Administrative Hearing Procedures as outlined in 50 Ill. Adm. Code conducted in accordance will 2402 A11 g)
- Director's decision finds noncompliance, the procedures of 50 Ill. If the Director's decision finds compliance, the audit and examination report will be rewritten in accordance with the Director's Adm. Code 4435, Noncompliance Notification and Penalties, will The Director will issue a written order following the hearing. followed. (e)

Reg. 111. (Source: Amended at ANG 07 1998

Section 4401.70 Compliance (Repealed)

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effective

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#### DEPARTMENT OF INSURANCE

### NOTICE OF ADOPTED AMENDMENT

- whether--or--not--an--order--of-compliance-is-necessary---The-order-of hearing.----Compliance--with--this--order-shall-be-performed-within-the time-frame-specified-in-the-order;-however,-the-time-frame-should-not The--findings--of--the--Director-of-Insurance-will-be-made-public-in-a written-order-following--the--hearing---The--findings--will--indicate compliance-may-be-made-part-of--the--Director-s--final--order--in--the exceed-15-business-days-following-the-entrance-of-the-orderat
- The--Director--of--Insurance--may,--at--his/her--discretion,-give written-notice-to-the-governing-body,-officer-or-official-of--the pension--fund--or-retirement-system-of-specific-matters-or-issues wherein-non-compliance-is-alleged.
- # Ef-the-Birector-of--Insurance--does--not--receive--evidence--that compliance-has-been-achieved-within-the-15-days-following-receipt Of-the-notice,-then-an-order-to-show-cause-shall-be-issued-to-the 5.7
- continues,--orders--may--be--issued--and--fines--may--be-assessed The--Order--to--Show--Cause--shall--be-accompanied-by-a-Notice-of Hearing;-setting-forth-a-hearing-date;---The-Director-of-Insurance shall-issue-an--order--of--his/her--findings----lf--noncompliance governing-body,-officer-or-official: pursuant-to-40-ines-5/22-503-<del>1</del>6
  - Compliance-and--evidence--thereof--should--be--delivered--to--the Director--of--Insurance--within-30-days-after-the-entrance-of-the order,-unless-the-pension-fund-or-retirement-system-has-initiated an-action-for-administrative-review-44
- official-should-send-a-certified-statement--to--the--Director--of Insurance--which--sets-forth-the-steps-to-be-taken-to-insure-full If-the-pension-fund-or-retirement-system-is-unable--to--meet--the deadline--for--compliance,--then--the--governing-body,-officer-or compliance-and-the-expected-day-of-full-compliance; 5
- action--for--administrative--review-is--timely--initiatedy--then--the Director-of-Insurance-may-assess-a-civil-penalty-against-the-governing civii--penaity--may--aiso--be-assessed-pursuant-to-40-IbCS-5/22-509-if full-compliance-with-the-Director-s-Order-is-not--achieved--as--stated governing-body,-officer-or-official,--This-fine-shall-be-550-for--each # If -no-action-is-taken-to-comply--with--the--Director1s--Order--and--no body,-officer-or-official-of-the-pension-fund-or-retirement-system:--A within--the--time--frame--specified--in-the-certified-statement-of-the day--in-which-the-entity-continues-to-be-out-of-compliance--beyond-the 30-day-time-period-allowed:--In-no-event--shall--the--amount--of--such civil-penalty-exceed-Sly88-per-compliance-issue; †q
- <u> All--fines--not--paid--within-30-days-after-the-assessment-mayy-at-the</u> Director-of-Insurance-19-discretion,-be-turned--over--to--the--Illinois Attorney-General-with-a-request-for-judicial-action-for-compliance-and to

111. 22 Repealed (Source:

€ • EM Pro Reg.

effective

#### NOTICE OF ADOPTED RULE

Supplemental Reports for Property and Casualty

Heading of the Part: Insurance Companies

7

50 Ill. Adm. Code 936 Code Citation: 2)

Adopted Action: Section Number: 3)

New Section New Section 936.10

New Section New Section New Section New Section EXHIBIT A 936.30 936.40 936.50 936.20

Statutory Authority: Implementing and authorized by Section 144.2 of the Illinois Insurance Code [215 ILCS 5/144.2] (see P.A. 90-381, effective August 14, 1997). 4)

Effective Date of Rule: August 6, 1998 2)

N<sub>O</sub> Does this rule contain an automatic repeal date? (9

Does this rule contain incorporations by reference? No 7)

any material incorporated by Insurance's principal office A copy of the adopted rule including reference, is on file in the Department of and is available for public inspection. 8

March 20, 1998, 22 Notice of Proposal Published in Illinois Register: Ill. Reg. 5177 6

No Has JCAR issued a Statement of Objections to this rule? 10)

Difference(s) between proposal and final version: Section 936.50, Lines 78 and 79, add "notified" before "company" 11)

Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? 12)

Will this rule replace an emergency rule currently in effect? 13)

Are there any amendments pending on this Part? No 14)

procedures and supplemental reporting transact the classes of business set forth in Class 2 or Class 3 of Section 4 of the Illinois Insurance Code [215 ILCS 5/4]. requirements for property and casualty companies who are authorized and Purpose of rulemaking: Pursuant to P.A. 90-381, Part 5/144.2]. Department is promulgating this new rule [215 ILCS establish notification Summary 15)

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DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULE

Information and questions regarding this adopted rule shall be directed t0: 16)

Department of Insurance 320 West Washington

Springfield, Illinois 62767-0001

(217) 524-8361

The full text of the Adopted Rule begins on the next page.

NOTICE OF ADOPTED RULE

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER 1: PROVISIONS APPLICABLE TO
ALL COMPANIES

PART 936
SUPPLEMENTAL REPORTS FOR PROPERTY
AND CASUALTY INSURANCE
COMPANIES

Section
936.10 Purpose
936.20 Applicability
936.30 Definitions
936.40 Notification Procedures

936.50 Reporting Requirements for Having Direct Premium Income

Penalties

936.60

EXHIBIT A

Notified Property and Casualty Companies

AUTHORITY: Implementing and authorized by Section 144.2 of the Illinois Insurance Code [215 ILCS 5/144.2] (see P.A. 90-381, effective August 14, 1997).

Property and Casualty Reporting Form

SOURCE: Adopted at 22 Ill. Reg.

effective

15319

### Section 936.10 Purpose

The purpose of this Part is to establish notification procedures and supplemental reporting requirements for property and casualty insurance companies.

# Section 936.20 Applicability

This Part shall apply to all companies authorized to transact the classes of business as set forth in Class 2 or Class 3 of Section 4 of the Illinois Insurance Code [215 ILCS 5/4].

### Section 936.30 Definitions

Annual Statement means that statement required by Section 136 of the Illinois Insurance Code [215 ILCS 5/136] to be filed annually by the company with the Office of the Director.

Direct Premium Income means any written premium shown for a property and casualty company on Schedule T, Line 98, Column 2 of the statutory Annual Statement, as required by Section 136 of the Illinois Insurance

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DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULE

Code [215 ILCS 5/136], or equivalent information in any revision of the Annual Statement.

Director means the Director of the Illinois Department of Insurance.

Notified Companies means those insurance companies which the Director has notified pursuant to Section 936.40 of this Part.

# Section 936.40 Notification Procedures

- a) A company having direct premium income for property and casualty business may be notified by the Director that supplemental reporting requirements must be met if the company meets one or more of the following categories:
  - 1) the company has been exempted by the Director pursuant to Section 136 of the Illinois Insurance Code [215 ILCS 5/136] from filling the actuarial opinion for any reason as outlined in the appropriate National Association of Insurance Commissioners Annual Statement Instructions;
- 2) the company has greater than 30 percent of direct premium income from lines of business that have less than 10 years of experience reported in Schedule P of the Annual Statement; or
- 3) the Director believes that the financial condition of the company warrants additional monitoring.
- b) The Director will notify, in writing, the companies that meet one or more of the conditions listed in subsection (a) of this Section. The Director's written notification shall include the reason the supplemental reporting is being required from the notified company.

# Section 936.50 Reporting Requirements for Notified Property and Casualty Companies Having Direct Premium Income

- a) The notified company shall file a completed Exhibit A of this Part with: Financial Corporate Regulatory Division, Casualty Actuarial Section, Illinois Department of Insurance, 320 West Washington Street, Springfield, Illinois 62767-0001.
- b) Notified companies are to file the supplemental report pursuant to subsection (a) of this Section within 45 days after the end of each calendar quarter including the last calendar quarter of the year.
   c) The notified company shall continue to file a completed Exhibit A as
  - c) The notified company shall continue to file a completed Exhibit A as specified in subsection (a) of this Section unless otherwise notified by the Director.

### Section 936.60 Penalties

Failure of a notified company to file the supplemental reports pursuant to Section 936.50 of this Part shall subject the notified company to the provisions of Section 403A of the Illinois Insurance Code [215 ILCS 5/403A].

Section 936.EXHIBIT A Property and Casualty Reporting Form

Cumulative paid loss development history at successive quarterly evaluations for most recent four (4) accident years (Include paid ALAE)

# ment Quarter (in months)

		2	COLON		נחמונפו	Development Adalter III III III III	0									
Accident Year	က	9	o	12 15	15	18	21	24	27	30	33	36	39	42	45	84
XXX	××	XXX	XXX	XXX	XXX	XXX	XXX	xxx	xxx	ххх	xxx	XXX	XXX	XXX	XXX	×
XXX	XXX	××	×××	×××	×××	XX	XXX	×××	XXX	XXX	XXX	XXX				
XXX	XXX	××	×××	XXX	××	×××	×××	××								
XXX	×××	XXX	XXX	XXX												

Cumulative paid + case loss development history (excluding bulk & IBNR) at successive quarterly evaluations for most recent 4 accident yrs. (This is referred to a "reported")

#### XXX 33 36 XX X ×× 33 3 XXX ×× XXX XX 27 X X X 24 XXX ××× 7 XX × × 48 XXX XXX 5 Development Quarter (in XXX XXX $\stackrel{\sim}{\sim}$ XX XX XXX XXX 6 9 XX XX ×× × X XXX Accident Year × × × ŏ

Bulk and incursed but not reported reserves on losses and ALAE at auccessive quarterly evaluations for most recent four (4) accident years (Pure bulk and IBNR as well as future development on reported claims)

#### Development Quarter (in months)

Accident Year	9	9	0	12	15	18	21	24	27	30	33	36	39	42	45	48
XXX	XXX	XXX	XXX	XXX	XXX	XXX	XXX	XXX	XXX	XXX	XXX	XXX	XXX	×××	XXX	XX
XX	XXX															
XXX	XX	XXX														
XXX	×	XXX	XX	XXX												

#### Earned premium by accident quarter

Earned Prem.	XXX															
Accident Quarter	XXX	XXX	XXX	XXX	XX	XXX	XXX	XXX	XXX	хох	XXX	XXX	XXX	XXX	XXX	XXX

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# DEPARTMENT OF PROFESSIONAL REGULATION

# NOTICE OF ADOPTED AMENDMENT(S)

- Heading of the Part: Illinois Architecture Practice Act of 1989 7
- 68 Ill. Adm. Code 1150 Code Citation: 2)

3)

ao i

Adopted Action:	Amendment	Repeal	Amendment	Amendment	Amendment	Amendment	Amendment	Amendment
Section Numbers:								. A .
Section	1150.10	1150.20	1150.30	1150.40	1150.60	1150.80	1150.85	Appendix

Statutory Authority: The Illinois Architecture Practice Act of 1989 [225 ILCS 305]

4)

48 XXX

XXX 45

X 42

- August 10, 1998 Effective Date of Amendments: 2)
- N<sub>O</sub> Does this rulemaking contain an automatic repeal date? (9
- No Do these Amendments contain incorporations by reference? 7)
- A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection. 8
- Date Notice of Proposal Published in Illinois Register: March 13, 1998, at 22 Ill. Reg. 4607 6
- Has JCAR issued a Statement of Objections to these amendments? 10)
- concerning design/build entities, was clarified by striking any mention of architectural services in Subsection (a)(1) and renumbering Subsection services provided firm, as Difference(s) between proposal and final version: Subsection 1150.85(a), an Illinois licensed architect or professional design (a)(2)(D), with added language regarding architectural Subsection (a)(3). 11)
- the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes Have all 12)
- Will these Amendments replace an Emergency Amendment currently in effect? 13)
- No Are there any Amendments pending on this Part? 14)
- Summary and Purpose of Amendments: This rulemaking is primarily clean-up 15)

# NOTICE OF ADOPTED AMENDMENT(S)

The examination section has been amended to reflect the new computer-based national examination. Language relating to revised and updated. In addition, the language relating to design/build those practicing under an exemption from licensure cannot use the title licensure and entities has been clarified. Finally, this rulemaking clarifies that "architect" or any of its derivations unless they hold an active license professional design firms and professional service corporations for It updates the educational requirements removes obsolete language. in this State. Information and questions regarding this amended part shall be directed 16)

Department of Professional Regulation 320 West Washington, 3rd Floor Springfield, Illinois 62786 Attention: Jean Courtney Fax: 217/782-7645 217/785-0813

The full text of the Adopted Amendments begins on the next page:

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15326

DEPARTMENT OF PROFESSIONAL REGULATION

# NOTICE OF ADOPTED AMENDMENT(S)

CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS TITLE 68: PROFESSIONS AND OCCUPATIONS

ILLINOIS ARCHITECTURE PRACTICE ACT OF 1989 PART 1150

Training Requirements for-Individuals-Whose-Education-Was-Initiated Training Requirements for Individuals Whose Education Was Initiated Acts Constituting the Practice of Architecture Pursuant to Section 5 of 1989 [225 Category-I---Education Requirements and Diversified Professional Professional and Diversified AUTHORITY: Implementing the Illinois Architecture Practice Act Categories of Diversified Professional Training Application for Licensure by Examination Category II - Education Requirements Architect Seal Requirements Prior to January 1, 1990 (Repealed) Standards of Professional Conduct Architecture Complaint Committee Approved Architecture Programs Professional Design Firm Licensure by Endorsement After-January-17-1990 Granting Variances Inactive Status Restoration Examination of the Act Renewals ILLUSTRATION A APPENDIX A 1150,100 1150,110 Section 1150.10 1150.40 1150.50 1150.60 1150.70 1150.80 1150.85 1150.90 1150.95 1150.20 1150.30 1150.65

ILCS 305] and authorized by Section 60(7) of the Civil Administrative Code of effective January 1, 1988, at 12 Ill. Reg. 2933; amended at 16 Ill. Reg. 3143, 25, 1993; amended at 18 Ill. Reg. 10736, effective June 27, 1994; amended at 19 111. Reg. 16066, effective November 17, 1995; amended at 20 111. Reg. 7873, effective May 30, 1996; amended at 21 111. Reg. 5928, effective April 24, 1997; codified at 5 Ill. Reg. 11019; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. Reg. 14077, effective August 5, 1987; transferred from Chapter I, 68 Ill. Adm. effective February 14, 1992; amended at 17 Ill. Reg. 1554, effective January Illinois Architecture Act, effective May 29, 1975; amended May 12, 1977; Adm. Code 1150 (Department of Professional Regulation) pursuant to P.A. 85-225, 1983; amended at 9 Ill. Reg. 5691, effective April 16, 1985; amended at 11 Ill. for the Administration of 7448, effective June 15, 1982; amended at 7 Ill. Reg. 7658, effective June Code 150 (Department of Registration and Education) to Chapter VII, 68 SOURCE: Rules and Regulations Promulgated Illinois [20 ILCS 2105/60(7)].

# NOTICE OF ADOPTED AMENDMENT(S)

# AUG 1 0 1998 amended at 22 Ill. Reg. [5324], effective

Diversified Requirements for-Individuals-Whose--Education-Was and Requirements Section 1150.10 Category---f---Education Initiated-After-January-17-1990 Professional Training

their-education-after-January-17-19987 shall meet the requirements set forth in date-of-this-Section-may-have-the-training-evaluated-pursuant-to--this--Section The education and diversified professional training required for examination for licensure under the Illinois Architecture Practice Act [225 ILCS 305] (the Act) are set forth in this Section and -Section -1150-20. Applicants initiating this Section. Individuals-who-initiated-their-training-prior-to-the-effective or-Section-1150:20:

a) Education Requirements

Applicants with a professional degree from a program accredited by the National Architectural Accrediting Board (NAAB):

A) Bachelor of Architecture degree; or

Master of Architecture degree.

Applicants with a degree from a program not accredited by the NAAB:

A pre-professional 4 year baccalaureate degree program in entry into a professional Master of Architecture degree architecture approved by the Board in accordance with Section 1150.50 of this Part, which is accepted for direct program accredited by the NAAB; or A)

by the NAAB must complete an Education Evaluation Services for Architects (EESA) Comprehensive Evaluation Report. Completion of the education requirements as specified in the that applicants with a degree from a program not accredited (NCARB) Education Requirements Circular-of-Information-No-3, as certified by NCARB. This includes the requirement Applicants may obtain the report from Educational Credential Evaluators, Inc., P.O. Box 92970, Milwaukee, WI 53202-0970. National Council of Architectural Registration B)

training requirements (June 1, 1997 to July 1, 1998, no 1) An applicant must complete either the Intern Development Program training requirements set forth in this Section. The applicant may Council later additions or amendments included) of the National Avenue, N.W., Suite 700, Washington, D.C. 20006, or the of Architectural Registration Boards (NCARB), 1735 Diversified Professional Training Requirements Q)

To satisfy diversified professional training requirements, each applicant must acquire a minimum number of training units based below. One training unit equals eight hours of acceptable activity, Acceptable activities are set forth in the NCARB IDP on the education requirements set forth in subsection (b)(3) 2)

satisfy the requirements in effect at the time the training

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Applicants -- may -earn-training -units-for (A copy of these guidelines is available from training-acquired-through-one-of-three-ways. Department or NCARB.) Guidelines.

A) Participation---experience-is-acquired--when--the--applicant actually-performs-a-particular-task;-or

Observation:--experience--is--acquired--when--the--applicant works---under--the--direction--and--control--of--a--licensed 田

Supplementary-education-approved-by-the-Board-in--accordance architect-who-is-performing-the-task;-or e)

with-IBP-Guidelines.

Training units shall be earned in prescribed categories and under requirements set forth in Appendix A of this Part. The required number of training units will vary according to the following educational requirements: 3)

A) Applicants who meet the educational requirements set forth Section in subsections subsection (a)(1) and (a)(2)(B) to pursuant training units 1150.Appendix A, Column (1). 700 complete

degree set forth in subsection (a)(2)(A) shall complete 1170 baccalaureate 1150.Appendix Applicants with a pre-professional 4 year to Section pursuant units training B)

satisfy the Illinois Diversified Professional Training requirements, an applicant must have satisfied the IDP training A - Column(2). 4

applicant who has satisfied the training requirements is expected architecture. Accordingly, each applicant must demonstrate that his or her training has been sufficiently diversified as to (An applicant with the required training if that training is not diversified.) One training unit equals 8 hours of acceptable experience. The following table to the comprehensive practice sets forth the training settings in which training units may training areas set forth requirements in accordance with Appendix A of this Part. number of training units may nonethless be denied approval include exposure to each of the Appendix A and IDP Guidelines. peen exposed

#### MAXIMUM TRAINING

UNITS ALLOWED TRAINING SETTINGS

No Limit in which the applicant works is in supervision of a licensed architect and when the architectural practice the charge of a person practicing as employee of an organization when Training in architecture is under experience A)

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including each of the encompasses practice in found 1150.APPENDIX A(a). a principal and architecture, comprehensive categories

- as an licensed architect encompass the comprehensive practice employee of an organization when the the direct and when the organization does not of architecture, including each of Section in architecture in under the categories found 1150.APPENDIX A(a). supervision of a 13 Training B
- architecture under direct supervision of a licensed engineer (practicing as electrical engineer in the field of a structural, civil, mechanical or related registered landscape architect. construction), directly Experience building 5
- (A), (B), or (C) above in activities involving the design and construction engaging in building buildings, design of construction activities and the like) a person experienced in the activity. technical of the built environment (such Experience other than that noted when under the direct supervision interior space, review of existing planning, programming, submissions, of analysis 0
- NAAB-accredited professional degree 'n research or Teaching program. (i)
- in architecture outside authorized to practice architecture the United States or Canada under the of supervision in that jurisdiction. Experience direct Ē

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of 150.APPENDIX Categories Ω Section A(a) and

150.APPENDIX Categories Ω Section A(a) and

Category D of 150.APPENDIX Section A(a)

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does not fit settings A-F above will receive no credit. Training that 3

- keeping---entity--recommended--by--the--Board,--approved--by--the Department,-and-listed-on-the-application-materials--to--collect, All-applicants--shall--utilize--NCARB--or--an--equivalent--record evaluate--and--certify-all-training-data-and-records-required-for compliance-with-this-Part: 44
- be earned prior No training credits may Program Requirements A) 2
- Three years in an NAAB-accredited professional degree completion of: 7

to satisfactory

- program in architecture accepted for direct entry to The third year of a 4 year pre-professional degree master's NAAB-accredited professional program; or
- One year in an NAAB-accredited professional master's degree program; or iii)
- 96 semester credit hours as evaluated by Education which no more than 60 hours can be in the general accordance with NCARB Circular of Information No. (EESA) Architects for education category; or Services Evaluation iv)
  - Five education credits in the circumstances described semester credit hours or 48 quarter credit hours shall in subsection (a)(1)(A) of this Section in accordance equal one year in an academic program. with Circular of Information No. 기
    - experience used to meet education requirements may be used to earn training credits. B
- consecutive weeks under subsection To earn credits under subsection (b)(4)(A), (B), (D) or (F), (b)(4)(A) or (B) or at least 20 hours per week for a minimum an applicant must work at least 35 hours per week period of 6 consecutive months. minimum period of 10 0
- (b)(4)(E), an applicant's credit hours must be in subjects evaluated by NCARB as directly related to architecture; 20 semester credit hours or 30 quarter credit hours of teaching or equivalent time in To earn credit under subsection research will equal one year. 1
  - A person practices as a "principal" by being: 回
- A licensed architect; and
- of the organization's either alone or with other in charge architectural practice, licensed architects. The person
  - practice architecture in the jurisdiction in which he/she practices. licensed person A "licensed architect" F)

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- entity recommended by the Board, approved by the Department, and listed on the application materials to collect, evaluate and certify All applicants shall utilize NCARB or an equivalent record keeping all training data and records required for compliance with this Part. ଧ
  - The verification of training shall be submitted to the Department the time of application for examination as an architect. q)
- e)5) If the accuracy of any submitted documentation or the relevance or (the Board) because of discrepancies or conflicts in information, a need for additional information information-needing--further clarification, the applicant will sufficiency of the training is questioned by the Department or requested to provide such information as necessary. Architect Licensing Board

15324 Red. 111. 22 a t AUG 1 0 1998 Amended (Source:

effective

Diversified Education and Professional Training Requirements for Individuals Whose 1150.20 Category II - Education Requirements Initiated Prior to January 1, 1990 (Repealed) Section

required--for--licensure-for-individuals-whose-education-was-initiated-prior-to The--education--and--diversified--professional--training/experience--(training) January-1,-1990,-as-required-by-Section-13-of-the-Act-shall-be-evaluated--under

the-requirements-of-this-Section:

- Education-Requirements-(and-related-training-required);
- ±) A--6--year--professional--degree--in--architecture-from-a-program
- A-5-year-professional--degree--in--architecture--from--a--program accredited-by-the-NAAB-pius-2-years-of-approved-training, 43
- A--pre-professional--4--year-baccalaureate-degree-in-architecture from-a-program-acceptable-for-direct-entry--into--a--professional accredited-by-the-NAAB-plus-3-years-of-approved-training> 46
  - Diversified--Professional-Training-commenced-prior-to-January-17-19947 master-of-architecture-degree-plus-5-years-of-approved-training. †q
- All-training-shall-be-acquired: ++

shall-meet-the-following-reguirements:

- After-completion-of-2-years-of-architecture-or-architectural related-program,-or-after-one--year--in-a--NAAB--accredited master-s-degree-program;-and
- Under--the--direct--supervision--and--control-(as-defined-in Section-14-of--the--Act)--of--an--architect--licensed--in-a jurisdiction---of--the--United--States--of--America--or--its territories. 田十田
- Approved-training-consists--of--successful--performance--of--work relating -- to-professional-services, described-in-Section-5-of-the Act 43
- A-candidate-shall-have-training--in--the--office--of--a--licensed and-Municipal-governments-and-branches-of-the-United-States-Armed architect---which--may--include-branches-of-Federal--State--County ÷

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- Any-training-claimed-by-an-appitcant-shall-be--validated--by--the supervising-architect(s)-on-forms-supplied-by-the-Bepartment: 44
- Pull-time--employment--with--i-employer--of-less--than--l-month duration-shall-not-be-counted-toward-the-training-requirements-of this-Section. 45
- months--shall--be--counted--as-one-half-week-for-each-20-hours-of Part-time-employment-fou--periods--in--excess--of--2--consecutive employment. 49
- Full-time-teaching-experience-of-2-academic-years-in-an--approved maximum-of-1--year--of--training--shałł--be--given--for--teaching architecture--program--will--be--counted--as--l-year-training---A experience.--Any-teaching-experience-claimed-must-be-validated-by the--chief--administrative--officer--of--the--school-offering-the architectural-program-77
- An-appitcant-cannot-earn-more-than-40-hours-per-week-of--approved training-(i.e.,-overtime-does-not-qualify-for-additional-approved training):----One--year--is-considered-to-be-a-period-of-52-weeks with-a-minimum-of-35-hours-per-week; 40
- in-lieu--of--the--above--training---the--Bepartment--will--accept successful-completion-of-the-Intern-Development-Program-of-NCARB; Diversified--Professional--Training-Commenced-after-Becember-31,-1993, 46 tu
- TO--satisfy--the--Illinois--Diversified---Professional----Training requirements,--an--applicant-must-have-satisfied-the-IBP-training requirements-in-accordance-with-Appendix--A--of--this--Part:---An shall-meet-the-following-requirements:
  - to---have---been---exposed---to--the--comprehensive--practice--of architecture: -- Accordingly-each-applicant-must-demonstrate--that his--or--her--training--has--been--sufficiently-diversified-as-to Appendix--A--and-IBP-Guidelines:--(An-applicant-with-the-required training-if-that-training-is-not-diversified-)--One-training-unit equals--8--hours--of--acceptable-experience:--The-following-table appitcant-who-has-satisfied-the-training-requirements-is-expected include-exposure-to-each-of--the--training--areas--set--forth--in number-of-training-units-may-nonetheless-be--denied--approval--of sets-forth-the-training-settings-in-which-training-units--may--be

### TRAINING--SEPTINGS

MAKEMUM-TRAENENG ALLOWED UNITE

> Praining-in-architecture-as -organization-when-the --as-an-empłoyee-of-an

-experience-is-under-the ----direct-supervision-of-a 

No-bimit

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bractice-in-which-the	
applicant-works-(a)-is	
in-the-charge-of-a-person	
practicing-as-a-principal	
and-(b)-encompasses-the	
comprehensive-practice-of	
architecture,-including	
each-of-the-categories	
found-in-Section-li50;	
APPENBIK-A-{a}-	
B)Training-in-architecture	
as-an-empioyee-of-an	
organization-when-the	
experience-is-under-the	
ditect-supervision-of-s	
itcensed-architect-and	
when-the-organization	
does-not-encompass-the	
comprehensive-practice-of	
architecture,-including	
each-of-the-categories	
found-in-Section-1150;	
APPENBIX-A-(a).	
**************************************	
C) LAPALICACITACALY TOTACAC	4
co-architectare ander-the	H f
© - 40 - 40 - 40 - 40 - 40 - 40 - 40 - 4	-14
treensed-engineer	Sec
(practicing-as-a-structural	-AP
civily-mechanical-or-electrical	
engineer-in-the-field-of-building	
construction),-or-a-registered	
tandscape-architect-	
B)Experience-other-than-(A)(B)-or	
<del>(8)</del> -experience	-m-
in-activities-involving-the-design	-e-e
and-construction-of-the-built	-111
environment-(such-as-analysis-of	
existing-buildings, planning,	
programmingy-design-of-interior	
space,-review-of-technical	
outbay-outonoy-engaging-in	
building-construction	
ties-and-	

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# NOTICE OF ADOPTED AMENDMENT(S)

-in-Category-B-of -APPENBIX-A-(a) Section-1150-245 595 ----of-a-person-experienced-in-the ----in-architecture-or-teaching B)--A-post-professional-degree ----accredited-architectural -or-research-in-an-NAAB-----activity-----program-

P}--Bxperience-in-architecture ----outside-the-United-States

-supervision-of-a-person-authorized -to-practice-architecture-in-that

---- Or-Canada-under-the-direct

----jurisdiction

G)--Traing-that-does-not-fit-settings ----A-P-above-will-receive-no

---credit-

Program-Requirements <del>2</del> +

No--training--credits--may--be--earned-prior-to-satisfactory completion-of. 十元

Three-years-in-an-NAAB-accredited-professional--degree The--third--year--of--a-4-year-professional-degree program-in-architecture-accepted-for-direct--entry--to program;-or ++

an---NAAB-accredited---professional---master-s--degree One-year-in-an-NAAB-accredited--professional--master-s degree-program;-or program,-or ++++

PENBIX-A-(a)

-Categories -e-and-B-of ction-1150-

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96--semester--credit--hours--as-evaluated-by-Education Byaluation---Services---for---Architects---(因因SA)---in accordance-with-NCARB-Circular-of-Information-No--3-of which-no-more-than-60-hours--can--be--in--the--general education-category,-or +A+

Pive--education-credits-in-the-circumstances-described in-subsection-(a)(3)-of--this--Section--in--accordance with-Gircular-of-Information-No:-3: **↑** 

Note:--32--semester-credit-hours-or-48-quarter-credit-hours-shall B) No-experience-used-to-meet--education--requirements--may--be equal-one-year-in-an-academic-program-

50-APPENDIX-A-(a) and-B-of-Section

-when-under-the-direct-supervision

-Categories

To-earn-credits-under-subsection-(c)(1)(1)(1)-(B);-(C);-(B);-(B)-or (P),-an-applicant-must-work-at-least-35-hours-per-week-for-a minimum--period--of--i0--consecutive--weeks-under-subsection (c)(t)(t)(A)-or-(B)-or-at-least-20-hours-per-week-for-a-minimum period-of-6-consecutive-monthsused-to-earn-training-creditseţ

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- **Ψo-earn-credit-under-subsection--(c)(主)(主)(む)ァ--an--applicant-s** eredit--hours--must--be--in-subjects--evaluated-by-NGARB-as directly-related-to-architecture,-20-semester--credit--hours or-30-quarter-credit-hours-of-teaching-or-equivalent-time-in research-will-equal-one-year-由
  - A-person-practices-as-a-mprincipai--by-being: 亩
- The---person---in---charge---of---the---organization1s architectural--practice,--either--alone--or-with-other A-licensed-architecty-and licensed-architects.
- A-Witcensed-architect"-is--a--person--licensed--to--practice architecture-in--the-jurisdiction-in-which-he/she-practices-The--verification--of-training-shall-be-submitted-to-the-Department-at the-time-of-application-for-examination-as-an-architect-中田 ¢₽
- Board-because-of-discrepancies-or-conflicts-in-information,-a-need-for additional-information-or-information-needing--further--clarification, if-the-accuracy-of-any-submitted-documentation--or--the--relevance--or sufficiency--of--the--training--is-questioned-by-the-Bepartment-or-the the--applicant--will--be--requested--to--provide--such--information-as necessary 4

#### effective 15324 Reg. 111. 22 at WG 1 0 1998 Repealed (Source:

# Section 1150.30 Application for Licensure by Examination

An applicant for licensure as an architect shall file an application on forms supplied by the Department at least 90 days prior to an examination date. The application shall include: a)

The proof shall be in the form of certifications of 1) Proof of having completed the necessary education and training, as required by Section Sections 1150.10 and-1150.20. A)

- education completed by the school, college or university Applicants who received their education in a foreign country attended, and certification by the supervising architect. B)
- expense, by the Education Evaluator Services for Architects shall have the education comprehensively evaluated, at their (EESA). Applicants shall obtain the forms from the EESA, Milwaukee, WI 53217. The Board will review all transcripts and the comprehensive evaluation submitted to the Department to determine if the education meets the requirements set Educational Credential Evaluators, Inc., P.O forth in Sections 1150.10 and 1150.20;
  - A complete work history indicating all professional architectural experience; 2)
- Certification #f-the-applicant-has-ever-been-licensed-in--another jurisdiction, --certification from the jurisdiction of original licensure and certification from the jurisdiction of predominant 3)

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including the following, if the applicant has ever been licensed in another jurisdiction: active practice

- The date of issuance of the applicant's license and current status of such license;
- The basis of licensure and a description of the examination by which the applicant was licensed, if any; and B)
- record of disciplinary action taken or pending against the Whether the records of the licensing authority contain applicant; 0
  - The required fee; and
  - Proof of passage of the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 and the Test of Spoken English (TSE) with a minimum score of 50, for applicants who apply after January 1, 1997, who graduated from an architectural program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the architectural program from which the applicant graduated was taught in English. 5)
- that An applicant shall complete the required training by the date of for examination to be permitted to sit for application examination. Q Q

#### ~ 62 69 61 Reg. 111. 22 AUG 1 0 1998 (Source:

effective

## Section 1150.40 Examination

- The examination for licensure as an architect is a computer based an examination administered-at-least-once-a-year-and-is prepared by National Council of Architectural Registration Boards (NCARB). a)
- The examination shall consist of the following divisions content areas: ( q
- Bivision-Ar Pre-Design;
- 2)
- Division-By Site Planning Design-(Graphic-and-Written); Bivision-Cr Building Planning Besign;
  - Building Technology; 3)
- Division-D/P7-Structural-Technology-- General Structures and-bong Span;
  - 716 Bivision-G, Mechanical and,-Piumbing, Electrical and-Accoustical 6)5+ Bivision-E7-Structural-Technology-- Lateral Forces;
- 8)7+ Bivision-Hr Materials and Methods; and
- 9)87 Bivision-I7 Construction Documents and Services.
- EH. order--to-be-successful-in-the-examination,-an-applicant-shall-achieve Site Planning, Building Planning and Building Technology are graphic divisions being a multiple-choice format. All divisions are graded with a score of design problems, with all other ô

# NOTICE OF ADOPTED AMENDMENT(S)

a-converted-score--of--75--or--greater--in--each--bivision--except--as indicated-in-subsection-(d)-below-

- An applicant failing a division may repeat that division test 6 months after his or her unsuccessful attempt Bivision-6-and-a-portion-of Division-B-are-graphic-design-problems;-which-are-graded-in-accordance with--evaluation--criteria--provided--to--applicants--prior---to---the examination.----Division--6--is--graded--with-a-score-of-either-pass-or q)
- taking the examination Department shall receive credit for the process of previous examinations passed as follows: the in by formerly administered All applicants who are ( e

Registration Examination Credits to Architect (ARE) Divisions Examinations Previous Passed

Qualifying

Pre-Design (partial credit - see (f) below) General Structures; Lateral Forces Section A Section

Mechanical & Electrical Systems Materials and Methods Section C Section D

Professional

Pre-Design (partial credit - see (f) below) Site Planning; Building Planning; Building Technology Section B I Section A

Pre-Design (partial credit - see (f) below) Mechanical & Electrical Systems: Section B III Section B II

Construction Documents & Services Materials & Methods Section B IV

ARE (1983-1996) Version Pre-Design Division A

Building Planning; Building Site Planning Division B (written & graphic) Division C

rechnology

Mechanical & Electrical Systems Materials & Methods General Structures Lateral Forces Division D/F Division E Division Division Division-A-(partial-credit---see-(f)

Construction Documents &

Division I

Section-A

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Division-A-(partial-credit---see-(f)-below) Division-A-(partial-credit---see Divisions-D/F-and-E Bivisions-B-and-e Bivision-H Bivision-6 Professional Section-B-II Section-B-E Section-B Section-e Section-B Section-A

an applicant must pass both the Qualifying Examination, Section A, and the Professional Examination, Section In order to receive credit for the Pre-Design Division A of Bivision-I [1997 Version], Section-B-IV £)

Bivisions-6-and-H

(f)-below)

Since the history and theory of architecture are incorporated into all of the ARE, no credit will be given for only having passed Section A will be partial credit towards the Pre-Design Division A as The only credit awarded Parts I and II, or Division A of the ARE (1983-1996 Version). the Qualifying Test -- Section A, History. outlined in subsection (f) above. Divisions 9

part of the Professional Examination -- Section B, the candidate must have passed three parts of the examination in one sitting, on or after December In order to be eligible for transfer credits for any h)

Applicants shall, in all cases, pass the Pre-Design Division A of the ARE (1997 Version) if they have not passed Section A of the Qualifying Test even though the applicant may have passed the Professional Examination Section B, Parts I and II. į.

If an applicant fails to pass an examination for licensure under the be denied. The applicant may, however, make a new application for examination accompanied by the required fee, and must already passed under a previous application shall be Act within 6 years after filing an application, the application shall furnish proof of meeting the qualifications for examination in effect Scores from divisions of carried over and applied to subsequent applications. of new application. expire and at the time examination j,

Applicants who fail to achieve the required passing score in any division(s) Bivision(s) of the examination will be afforded unlimited opportunities to repeat the failed parts of the examination. Ş

for addition to his/her application, proof of successful completion of the NCARB examination administered pursuant to the standards outlined above in another jurisdiction. Such proof of successful completion must be forwarded directly to the Department from the jurisdiction in licensure as an architect who makes application in form and substance Section 1150.30 and causes to be filed with the Department, in satisfactory to the Department pursuant to the standards set forth The provisions of this Section shall be waived for an applicant 7

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which the examination was taken.

m) Divisions of the examination passed in another jurisdiction will be accepted toward licensure in this State if the <u>division</u> Bivision was not subsequently failed.

(Source: Amended at 22 Ill.

Reg. 15394, effective

# Section 1150.60 Licensure by Endorsement

- a) An applicant who holds an active license or registration to practice architecture under the laws of another state or territory and who desires to become licensed by endorsement shall file an application with the Department together with:

  1) Either:
- A) Council Certification, issued by and forwarded directly to the Department by the NCARB; or
  - the Department by the NCARB; or

    B) Other Proof of Qualifications and Licensure
- i) Proof that the applicant has met requirements substantially equivalent to those in force in this State at the time of original or subsequent licensure by written examination in the other state or territory, including certification of education, and affidavits of training.
- ii) A certification by the state or territory of original licensure and any other jurisdiction in which the applicant is or has ever been licensed, including the date of issuance of the applicant's license and the current status of each license; the basis of licensure and a description of all examinations by which the applicant was licensed in that state or territory and the date of passage of any such examinations; and whether the records of the licensing authority contain any record of disciplinary action taken or pending against the applicant;
  - The required fee as set forth in Section 19 of the Act;
     A complete work history since graduation from an archit
- A complete work history since graduation from an architecture program;
   Applicants who received their education in a foreign country shall have the education comprehensively evaluated, at their
- shall have the education comprehensively evaluated, at their expense, by the Education Comprehensively evaluated, at their expense, by the Education Evaluator Services for Architects (EESA). Applicants shall obtain the forms from the EESA, Educational Credential Evaluators, Inc., P.O. Box 17499, Milwaukee, WI 53217. The Board will review all transcripts and the evaluation submitted to the Department to determine if the education meets the requirements set forth in Sections 1150.10 and 1150.20; and
  - 5) Proof of passage of the Test of English as a Foreign Language

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# NOTICE OF ADOPTED AMENDMENT(S)

(TOEFL) with a minimum score of 550 and the Test of Spoken English (TSE) with a minimum score of 50, for applicants who apply after January 1, 1997, who graduated from an architectural program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the architectural program from which the applicant graduated was taught in English.

- b) The Department shall examine each endorsement application to determine whether the requirements in the state or territory of original or subsequent licensure were substantially equivalent to the requirements then in force in this State. The Department shall either issue a license by endorsement to the applicant or notify the applicant in writing of the reason for the denial of the application.
  - c) The Department shall, in individual cases, upon recommendation of the Board, waive passage of one or more parts of the examination upon proof that the applicant has been lawfully engaged in the practice of architecture in another jurisdiction for a minimum of five years and has provided evidence demonstrating competence in the area(s) of examination being considered for waiver (i.e., architectural education, training and experience). If an applicant has previously failed to pass a part or parts of the examination, the applicant shall not be granted a waiver for the part or parts pursuant to this provision.
- d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of a lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant shall be requested to:
  - clarification, the applicant shall be requested to:

    1) Provide such information as may be necessary; and/or
- Appear for an interview before the Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.

# (Source: Anguild 1998 22 111. Reg. 15324, effective

# Section 1150.80 Professional Design Firm

# NOTICE OF ADOPTED AMENDMENT(S)

with the following:

1) For Corporations

- A) The name of the corporation and its registered address, the names of all members of the board of directors, and the name of the state and license number for each director who is licensed as an architect, structural engineer or professional engineer. To qualify under Section 21 of the Act, at least two-thirds of the board of directors shall be licensed;
- the office, in the jurisdiction in which the corporation is organized, whose duty it is to register corporations under the laws of that jurisdiction. The purpose clause of the Articles of Incorporation shall designate that the purpose of the corporation is to provide architectural services. If it is a foreign corporation, a copy of the certificate of authority to transact business in this State issued by the Secretary of State is also required. Each corporation shall remain active and in good standing with the Secretary of State in order to maintain a professional design firm reqistration; and
  - directors designating a member(s) of the board of directors designating a member(s) of the board of directors who is an Illinois licensed architect as the managing agent(s) in charge of the architectural activities in this State. The Illinois license number of the architect(s) designated as the managing agent(s) shall also be included in the resolution.
    - 2) For Partnerships.
- A) An application containing the name of the partnership and its business address and the names of all general partners, with the name of the state in which each is licensed and the license number of each general partner who is licensed as an architect, structural engineer or professional engineer. To qualify under Section 21 of the Act, two-thirds of the general partners shall be licensed in any state or territory.
  - B) A certified copy of the resolution adopted by the general partners designating the general partner(s) who is an illinois licensed architect(s) as the managing agent(s) in charge of the architectural activities in this State. The Illinois license number of the architect(s) designated as the managing agent(s) shall also be included in the resolution.
    - 3) For Limited Liability Companies.
- A) An application containing the name of the limited liability company, the business address and the members of the company, the name of the state in which each is licensed as

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# NOTICE OF ADOPTED AMENDMENT(S)

- an architect and the license number of each member.

  B) A certified copy of the articles of organization or operating agreement designating a member of the company who is an Illinois licensed architect as the managing agent in charge of the architect activities in this State.
  - 4) For Professional Service Corporations.
- An application containing the name of the corporation, its registered address, the names of all members of the board of directors, and the name of the state and license number for each director who is licensed as an architect, structural engineer or professional engineer. To qualify for registration pursuant to Section 12 of the Professional Service Corporation Act [805 ILCS 10/12], at least two-thirds of the board of directors shall be licensed;
- the office, in the jurisdiction in which the corporation is organized, whose duty it is to register corporations under the laws of that jurisdiction. The purpose clause of the Articles of Incorporation shall designate that the purpose of the corporation is to provide architectural services. If it is a foreign corporation, a copy of the certificate of authority to transact business in this State is required. Each corporation shall remain active and in good standing with the Secretary of State in order to maintain a professional design firm reqistration; and
- A certified copy of the resolution adopted by the board of directors designating a member(s) of the board of directors who is an Illinois licensed architect as the managing agent(s) in charge of the architectural activities in this state. The Illinois license number of the architect(s) designated as the managing agent(s) shall also be included in the resolution.
  - 5)4+ For Sole Proprietorships. An application containing the name of the sole proprietorship and its business address and the name and license number of the architect who owns and operates the business.
- 6)5) A list of all office locations in Illinois at which the corporation, limited liability company, partnership or sole proprietorship provides architectural services.
  - proprietorship provides arenitectural services.

    7]6+ A list of all assumed names used by the corporation, limited
    - liability company, partnership or sole proprietorship.  $8J7^{2}$  The fee required in Section 19 of the Act.
- b) Upon receipt of a completed application -the-above-documents, the Department shall issue a license authorizing the corporation, limited liability company, partnership or sole proprietorship to engage in the practice of architecture or notify the applicant in writing of the
  - reason for the denial of such application.

# NOTICE OF ADOPTED AMENDMENT(S)

drawings, specifications, reports or other professional work shall have a resident architect(s), licensed in Illinois and regularly employed in that office, having direct supervision and control of such work. Nothing in this Section shall relieve the managing agent(s) in charge of architectural activities in this State of any legal responsibility for the overall supervision of the individual architectural offices.

- d) Each corporation, limited liability company or partnership shall be responsible for notifying the Department within 30 days of any changes in:
- The membership of the board of directors, members of the limited liability company or of the general partners; and
  - The licensure status of any of the general partners, members of the limited liability company or any of the licensed architect or engineering members of the board or partners.
- e) Each corporation, limited liability company or partnership shall be responsible for notifying the Department, in writing, by certified mail, within 10 business days after a termination or change in status of the managing agent(s). Thereafter, the corporation, limited liability company or partnership, if it has so informed the Department, has 30 days to notify the Department of the name and license number of the architect licensed in Illinois who is the newly designated managing agent(s).
  - f) Failure to notify the Department as required in subsections (d) and (e) or any failure of the corporation, limited liability company or partnership to continue to comply with the requirements of Section 21 of the Act will subject the corporation or partnership to the loss of its license to practice architecture in Illinois.
- g) Sole Proprietorships. Any sole proprietorship owned and operated by an architect who has an active Illinois license is exempt from the registration requirement of a professional design firm. However, if the sole proprietorship operates under an assumed name, the sole proprietorship operates under an assumed name, the sole proprietor shall file an application with the Department indicating all assumed names utilized. A sole proprietorship shall notify the Department of any assumed name changes.

(Source: Amended at 22 III. Reg. 15384 = 400 1098 )

effective

Section 1150.85 Acts Constituting the Practice of Architecture Pursuant to Section 5 of the Act

#### a) Design/Build

1) The design/build project delivery process is a method whereby an entity signs a single contract to provide a combination of architectural and construction services. with-the-architectural architectural services. provided-by-an-independent-architectural practice-architecture-in-independent-architecture-ticensed---to-practice-architecture-in-independent-and-a-construction-firm to

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# DEPARTMENT OF PROFESSIONAL REGULATION

# NOTICE OF ADOPTED AMENDMENT(S)

# provide-construction-services-

- 2) The design/build entity will not be required to register as a professional design firm pursuant to Section 21 of the Act only if the services in the design/build project delivery process are provided by the entity in accordance with the following:
  - A) An architect licensed or a professional design firm registered in Illinois independently contracts with the entity and participates substantially in all material aspects of the offering and providing of architectural architectura services relating to any bid process, contract negotiations, design, consultation, development, preparation and coordination of construction documents, and verification of adherence to construction documents and completion.
- B) At the time of offering services, a written disclosure shall be identifying-the-architect-is given to the client by the entity stating---thaty--upon--awarding--of--the--contracty identifying the architect who will be engaged by and is be contractually responsible to the entity offering design/build project services.
- C) The entity agrees that the architect will have direct supervision of the architectural work and the architect's services will not be terminated on the project without the immediate replacement by another architect mutually agreed to by the client and the entity.
- A design/build entity shall not offer to provide or provide architectural services, unless the design/build entity is an illinois licensed architect or professional design firm. Offering to provide architectural services shall include, but shall not necessarily be limited to, any tender of architectural services either independently or in combination with construction services by any sign, card, advertisement or other device which might indicate to the public that the entity is entitled to provide architectural services.
- b) Architectural Competitions
- 1) Participants in architectural competitions in Illinois shall comply with the Act. All services, such as preliminary design and design development, are to be prepared by or under the direct supervision and control of an Illinois licensed architect.
- 2) If an architectural competition is conducted in an academic setting or the project is fictitious and will not be constructed, a person/professional design firm is not required to be licensed in Illinois.

#### c) Use of Title

1) A person, sole proprietorship, professional service corporation, limited liability company, corporation or partnership, or other entity practicing pursuant to an exemption from licensure contained in Section 3 of the Act shall not use the title "architect" or any of its derivations unless the person or other

# DEPARTMENT OF PROFESSIONAL REGULATION

# NOTICE OF ADOPTED AMENDMENT(S)

entity holds an active license as an architect or registration as a professional design firm in this State.

- limited liability company, corporation or partnership, or other entity which practices architecture shall advertise or display any sign or card or other device that might indicate to the public that the person or entity is entitled to practice as architect or use the title "architect" or any of its derivations unless the person or other entity holds an active license as an architect or registration as a professional design firm in this
- 3) No person, without possessing a valid license as an architect issued by the Department, shall in any manner hold himself or herself out to the public as an architect, attach the title "architect" or any of its derivations, or offer to render or render to individuals, corporations, or the public any architectural services as defined in the Act if the word "architect" or any of its derivations are used to describe the person offering to render or rendering them or describe the services rendered or offered to be rendered.

(Source: Amended at 22 Ill. Reg. 15324., effective

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# DEPARTMENT OF PROFESSIONAL REGULATION

# NOTICE OF ADOPTED AMENDMENT(S)

# Section 1150.APPENDIX A Categories of Diversified Professional Training

a) Categories of diversified professional training and corresponding minimum training unit requirements in each category are as follows (For Total Training Units required for various educational levels, See Section 1150.10(b)(3)(A) and (B)):

# CATEGORY A: DESIGN AND CONSTRUCTION DOCUMENTS (Column 1) (Column 2)

# CATEGORY B: CONSTRUCTION ADMINISTRATION

11)	Bidding and Contract Negotiation Construction Phase-Office	10 15	30
13)	Construction Phase-Observation	15	30
	MINIMUM TRAINING UNIT TOTALS:	70	140
	CATEGORY C: OFFICE MANAGEMENT		
14) 15)	Project Management Office Management	15 10	30
	MINIMUM TRAINING UNIT TOTALS:	35	70
	CATEGORY D: RELATED ACTIVITIES		
16)	Professional and Community Service	10	20
	MINIMUM TRAINING UNIT TOTALS:	10	20

# NOTICE OF ADOPTED AMENDMENT(S)

Related activities include diversified professional training in energy conservation, computer applications, regional and urban planning, interior design, landscape architecture, construction management, environmental and structural engineering, applied and research, teaching, historical restoration professional delineation. theoretical

[Column (2)] allowing for the additional  $\overline{\text{TUS}}$   $\overline{\text{FW}}$ 4s to be acquired in any of the listed categories. All of the additional  $\overline{\text{TUS}}$   $\overline{\text{FW}}$ 4s may be listing above of required minimums in Categories A, B, C and D totals 465 Training Units (TUS TU+s) [Column (1)] and 930 TUS TU+s acquired in one category or distributed among the categories. ( q

Explanation of Requirements 0

TUS TH45 in categories A, B, C, D and F may be acquired only if acceptable full-time and part-time employment in the settings 1150.10(b)(5)(C) #150.20(c)+20(c)+C)+C Full TU credit is earned for described in Section 1150.10(b)(5)(A) 2150.20(c)(1)(A), (B), (C), of time requirements the meets applicant (D) and (F).

No IUS TH45 may be acquired prior to meeting the requirements of Section 1150.20(c)(2)(A). 2)

Master of Architecture degree qualify for 235 TU's under Category a NAAB accredited 1, 1999, applicants Applicants with or post-professional degree in architecture January Until 3)

An IDP applicant may earn TUS TH's by completing Board-approved supplementary education programs: Supplementary education cannot be used to satisfy the minimum TU requirements in training areas TUS TUS TUS may be earned for supplementary education prior to receiving his or her highest educational degree. Section 1150.10(a).) No 1-16. 4)

The TUS THIS which may be earned under (c)(3) and (4) above may not exceed 235 TUS TH45. 2)

(including  $\overline{\text{TUS}}$   $\overline{\text{FW+s}}$  earned from supplementary education) in those categories must be acquired when employed in the settings described in Section 1150.10(b)(4)1150 $\div$ 20 $\{c\}$ (1), (B) and (F). To satisfy Category A of the training requirements, TUS (9

A minimum of 235 TUS THIS must be acquired in the setting having--received--his--or--her--highest-educational-degreer---{See described in Section 1150.10(b)(4)(A). 1150.20(c)(1)(A)--after 7

In evaluating training, the Board may, prior to licensure, Section-1150-10(a)-) 8)

For detailed description of the IDP training categories and supplementary education requirements, see IDP Guidelines. complied with the technical training requirements set forth training, notwithstanding the fact that the IDP applicant has 6

require substantiation of the quality and character of the

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AUG 1 0 1998 (Source: Amended

111. 22 at

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Reg.

effective

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# DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

Heading of the Part: Professional Geologist Licensing Act

1 2)

- Code Citation: 68 Ill. Adm. Code 1252
- Section Numbers: 3)
- Adopted Action: New Section 1252.Appendix A

Statutory Authority: Professional Geologist Licensing Act [225 ILCS 745]

4)

- Effective Date of Rules: August 10, 1998 2)
- No Does this rulemaking contain an automatic repeal date? (9
- Do these Rules contain incorporations by reference? No 7
- A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection. 8
- Date Notice of Proposal Published in Illinois Register: May 1, 1998, at 22 Ill. Reg. 7530 6
- Has JCAR issued a Statement of Objections to these Rules? No 10)
- Several technical Difference(s) between proposal and final version: changes were made. 11)
- Have all the changes agreed upon by the Agency and JCAR been made indicated in the agreement letter issued by JCAR? Yes 12)
- Will these Rules replace Emergency Rules currently in effect? 13)
- Are there any Amendments pending on this Part? No 14)
- Summary and Purpose of Rules: Section 60 of the Act requires licensed geologists to obtain a seal with their license number; this proposed rulemaking implements that requirement. 15)
- Information and questions regarding this adopted part shall be directed 16)

Department of Professional Regulation 320 West Washington, 3rd Floor Springfield, Illinois 62786 217/785-0813 Attention: Jean Courtney

Fax: 217/782-7645

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NOTICE OF ADOPTED AMENDMENTS

The full text of the Adopted Rules begins on the next page:

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DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION SUBCHAPTER B: PROFESSIONS AND OCCUPATIONS TITLE 68: PROFESSIONS AND OCCUPATIONS

PROFESSIONAL GEOLOGIST LICENSING ACT PART 1252

Application for Licensure Without Examination (Grandfather) Application for Examination/Licensure Examination 1252.20 1252.30 Section 1252.10

Approved Programs of Geology Experience 1252.40

1252.50

Endorsement Renewal 252.60 252.70

Inactive Status Fees 252.80 252.90

Code of Professional Conduct and Ethics Restoration 252,110 252.100

Geologist Seal Requirements Granting Variances APPENDIX A 1252.120

745] and authorized by Section 60(7) of the Civil Administrative Code of AUTHORITY: Implementing the Professional Geologist Licensing Act [225 ILCS Illinois [20 ILCS 2105/60(7)].

effective October 1, 1997; emergency amendment at 22 III. Reg. 3597, effective January 28, 1998, for a maximum of 150 days; amended at 22 III. Reg. 10592, effective ffective ffective ffective ffective SOURCE: Emergency rule creating Sections 1252.10, 1252.40, 1252.50 and 1252.80 adopted at 21 Ill. Reg. 5647, effective April 22, 1997, for a maximum of 150 days; emergency expired on September 19, 1997; adopted at 21 Ill. Reg. 13827, effectiXUGIO 1998

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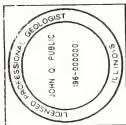
NOTICE OF ADOPTED AMENDMENT(S)

Section 1252.APPENDIX A Geologist Seal Requirements

diameter. The seal or stamp shall consist of concentric circles between which shall appear in capital letters "ILLINOIS" in the lower portion of the seal and "LICENSED PROFESSIONAL GEOLOGIST" in the upper portion of the seal. Within the inner circle of the seal shall appear In accordance with Section 60 of the Act, each licensee shall obtain inches the name of the licensee and the individual's license number. at his/her own expense, a seal or rubber stamp, a

The following is a suggested facsimile of the design and lettering of the seal:

ত্র



15340 Reg. 111. 22 (Source: Added AUG 10 1998

effective

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# DEPARTMENT OF PROFESSIONAL REGULATION

# NOTICE OF ADOPTED AMENDMENT(S)

- of Veterinary Medicine and Surgery Practice Act Heading of the Part: 1
- 68 Ill. Adm. Code 1500 Code Citation: 2)
- Adopted Action: New Section Amendment Amendment Amendment Amendment Amendment Amendment Section Numbers 1500.30 1500.10 1500.20 1500.11 500.49 1500.5 3)
- Veterinary Medicine and Surgery Practice Act of Statutory Authority: 1994 [225 ILCS 115] 4)
- Effective Date of Amendments: August 10, 1998 2
- No Does this rulemaking contain an automatic repeal date? (9
- Do these Amendments contain incorporations by reference? 7)
- reference, is on file in the agency's principal office and is available for public inspection 8
- 17, 1998, Date Notice of Proposal Published in Illinois Register: April at 22 Ill. Reg. 6815 6
- Has JCAR issued a Statement of Objections to these amendments? 10)

No

- Difference(s) between proposal and final version 11)
- Section 1500.11(a) was amended to allow graduates of unapproved programs to sit for the examination in Illinois.
- been made JCAR Have all the changes agreed upon by the Agency and indicated in the agreement letter issued by JCAR? 12)
- Will these Amendments replace Emergency Amendments currently in effect? No 13)
- Are there any Amendments pending on this Part? No 14)
- promulgate rules to define supervision by a licensed licensed and unlicensed individuals and to clarify Public Act 90-52 directed the requirements for licensure for graduates of unapproved programs. Summary and Purpose of Amendments: of Department to veterinarian 15)

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# NOTICE OF ADOPTED AMENDMENT(S)

implements these provisions. It also makes various technical and stylistic changes rulemaking

directed

shall

Information and questions regarding this amended part

to:

16)

Department of Professional Regulation Fax #: 217/782-7645 320 West Washington, 3rd Floor Springfield, Illinois 62786 Attention: Jean Courtney 217/785-0813

The full text of the Adopted Amendments begins on the next page:

# NOTICE OF ADOPTED AMENDMENT(S)

DEPARTMENT OF PROFESSIONAL REGULATION PROFESSIONS AND OCCUPATIONS TITLE 68: PROFESSIONS AND OCCUPATIONS SUBCHAPTER b:

#### PART 1500

VETERINARY MEDICINE AND SURGERY PRACTICE ACT OF 1994

Application for Examination by Graduates of Approved Programs Approved Veterinary Medicine and Surgery Programs Application by Graduates of Unapproved Programs Temporary Permit Section 1500.10 1500.11 1500.15 5000.5

Continuing Education Examination 1500.20 1500.25

Restoration Endorsement 500.30 500.35

Renewals 500.45

Standards of Professional Conduct Supervision 500.49 500.50

500.51

Advertising 500.55

Impaired Veterinarian Program of Care, Counseling or Treatment

Conduct of Hearings (Repealed) 500.60 500.65

Annual Report of Board Granting Variances 1500.70

1994 [225 ILCS 115] and authorized by Section 60(7) of the Civil Administrative AUTHORITY: Implementing the Veterinary Medicine and Surgery Practice Act of Code of Illinois [20 ILCS 2105/60(7)].

III. Reg. 11070; amended at 6 III. Reg. 2004, effective January 30, 1982; Part repealed, new Part adopted at 9 III. Reg. 16327, effective October 10, 1985; Chapter I, 68 Ill. Adm. Code 500 (Department of Registration and Education) to 16702, effective October 30, 1991; amended at 18 111. Reg. 11212, effective SOURCE: Rules and Regulations promulgated for the Administration of the 1984; amended at 2 Ill. Reg. 23, p. 13, effective June 10, 1978; codified at 5 amended at 11 Ill. Reg. 20966, effective December 9, 1987; transferred from pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2982; amended at 13 Ill. Reg. 3826, effective March 10, 1989; amended at 15 Ill. Reg. Illinois Veterinary Medicine and Surgery Practice Act, effective January 1, Chapter VII, 68 Ill. Adm. Code 1500 (Department of Professional Regulation) June 30, 1994; amended at 19 Ill, Reg. 12488, effequing 0 mggg amended at 22 Ill. Reg. 15 3 5 3, effective

# Section 1500.5 Approved Veterinary Medicine and Surgery Programs

- Approved Veterinary Medicine and Surgery Programs
- approve a veterinary medicine and surgery program as reputable 1) The Department of Professional Regulation (the Department) shall

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# DEPARTMENT OF PROFESSIONAL REGULATION

# NOTICE OF ADOPTED AMENDMENT(S)

- The institution is legally recognized and authorized by the in good standing if it meets the following minimum criteria: jurisdiction in which it is located to confer the Doctor Veterinary Medicine degree or its equivalent. (A
  - Has a faculty that consists of a sufficient number of full-time instructors to make certain that the educational obligations to the student are fulfilled. The faculty must have demonstrated competence in their area(s) of teaching as evidenced by appropriate degrees from reputable professional colleges or institutions. B)
- Has a curriculum of at least 4 academic years, including at least the following subject areas, as applied to the various species of animals: C

Applied Clinical Training Clinical Chemistry Anesthesiology Anatomy

Federal and State Laws Epidemiology

General and Special Pathology Food Quality and Safety

Meat-and-Milk-Hygiene Internal Medicine Microbiology

Pharmacology Parasitology Physiology Preventive Medicine Professional Ethics Radiology

Surgery and Obstetrics

Accepts only persons who have graduated from accredited high who have obtained equivalent education through Education Development Examination, and have successfully completed at least 2 years of pre-veterinary collegiate training in an accredited the General college or university. such programs as schools or (Q

- credentials for admission, attendance, grades and other permanent student records that records of performance. Maintains (i
  - or is formally affiliated with a hospital for the care and treatment of animals, which provides a sufficient number and variety of surgical and medical cases for the students' clinical instruction. Ē
    - but not be bound by approved, pe determining whether a program should Department shall take into consideration 5

# NOTICE OF ADOPTED AMENDMENT(S)

accreditation or approval by the American Veterinary Medical

- the American meet the minimum criteria set forth in subsection (a)(1) above Department has determined that all veterinary medicine and Veterinary Medical Association (AVMA) as of August 1, 1998 1993, surgery programs accredited or approved by and are, therefore, approved. 3
  - Withdrawal of Approval Q)
- 1) The Director may withdraw, suspend or place on probation the quality of the program has been materially affected by any of the approval of a veterinary medicine and surgery program when following causes:
  - Veterinary Medicine and Surgery Practice Act of 1994 [225 Gross or repeated violations of any provision of ILCS 115] (the Act); A)
    - Gross or repeated violations of any portion of this Part;
- Fraud or dishonesty in furnishing documentation evaluation of the program; or G G
  - meet the criteria of an approved program as set out in this Section. Failure to continue to (Q
- shall be given written notice prior to action by the Department and such officials may either submit written comments or request program whose approval is being reconsidered by the Department a hearing before the Veterinarian Licensing and Disciplinary The officials in charge of a veterinary medicine and surgery Board (the Board). 2)
- Program Evaluation ΰ
- An applicant from a program that has not been evaluated will be requested by the Department to provide documentation concerning the criteria in this Section. 7
  - Once the Department has received the documentation or after 6 later, the Department will evaluate the program based on all the school and any additional months have elapsed from the date of application, whichever is information the Department has received that it deems to be documentation forwarded from 2)

#### effective Reg. 111. 22 (Source:

# Section 1500.10 Application for Examination by Graduates of Approved Programs

medicine and surgery who is a graduate of an approved program of veterinary medicine and surgery that meets the requirements set forth in Section 1500.5 shall file an application with the Department or its designated testing service on forms supplied by the Department at An applicant for examination for licensure to practice veterinary The application shall least 60 days prior to an examination date. a)

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# DEPARTMENT OF PROFESSIONAL REGULATION

# NOTICE OF ADOPTED AMENDMENT(S)

include:

- employment since to the time of graduation from an approved veterinary program complete work history indicating all application;
- an Certification of successful completion of at least 2 years of collegiate training, and graduation from approved program of veterinary medicine and surgery; pre-veterinary 2)
  - The required fee specified in Section 14 of the Act; and 3)
- Certification of licensure from all jurisdictions in which the jurisdiction--of--original--and-current-licensure, if applicable, applicant has ever been licensed and is currently licensed
- The time during which the applicant was licensed in that jurisdiction, including the date of original issuance of the license;
- in that the licensure examination of description jurisdiction; B)
  - Whether the file on the applicant contains any record of any disciplinary actions taken or pending. ပ
    - Examination prior to graduation (q
- of veterinary medicine from which the applicant is expected to If certification of graduation is not received within 90 days after the scheduled graduation date, the results of the An applicant enrolled in an approved veterinary program will graduation if he/she provides certification from the college to an the--May--or--Becember examination prior examination(s) shall be void. graduate.
- The results of such examination(s) shall be made available to the applicant but no license shall be issued until the Department has received certification of the applicant's graduation, within days after of the scheduled graduation date specified subsection (b)(1) above. 2)
- In the case of failure of the examination, the applicant must submit his/her certificate of graduation to the Department or its designated testing service prior to taking the next examination. 3)
- accordance with subsection (a) above and have the examination scores and passed the examination pursuant Section 1500.20 in another jurisdiction shall file an application submitted to the Department directly from the testing entity. taken who has applicant 0

#### ್ಕ ಕಾ ಕಾ Reg. 111. 22 at AUG 1 0 1998 (Source: Amended

effective

# Section 1500.11 Application by Graduates of Unapproved Programs

An applicant for examination who is a graduate of an unapproved program of veterinary medicine and surgery shall file an application, on forms supplied by the Department, and shall be accompanied by the a

# NOTICE OF ADOPTED AMENDMENT(S)

- graduation from a veterinary program to the time of application; employment indicating complete work history 7
- the requirements for BCFVG certification except for completion of A verification of enrollment from the American Veterinary Medical Association Educational Commission of Foreign Veterinary the proficiency examination or the completion of 1 year of Graduates (ECFVG) indicating that the applicant has met all clinical experience; 7
- the required fee specified in Section 14 of the Act; 43
- been licensed and is currently licensed, if in which Certification of licensure from all jurisdictions ever applicable, stating: has applicant
  - jurisdiction, including the date of original issuance of the in The time during which the applicant was licensed A)
    - the licensure examination in that of description B)
      - Whether the file on the applicant contains any record disciplinary actions taken or pending; jurisdiction; 0

of

- Applicants who submit any document in a foreign language shall submit an original, notarized English translation. 2
- blat An applicant for licensure who is a graduate of an unapproved program of veterinary medicine and surgery must hold a certificate from the American Veterinary Medical Association Educational Commission of Foreign Veterinary Graduates (ECFVG). Application shall be filed on forms supplied by the Department and shall be accompanied by the following:
- 1) A complete work history indicating employment since graduation from a an-approved veterinary program to the time of application.
- An original certificate from the ECFVG indicating completion of year of completion of the the proficiency examination or clinical experience. 2)
  - The required fee specified in Section 14 of the Act.
  - Certification of licensure from all jurisdictions in which the jurisdiction--of--original--and-current-licensure, if applicable, applicant has ever been licensed and is currently licensed stating: 3)
- jurisdiction, including the date of original issuance of the A) The time during which the applicant was licensed in that license;
  - in that the licensure examination of description jurisdiction; B)
- Whether the file on the applicant contains any record of disciplinary actions taken or pending. Ω
- Applicants who submit any document in a foreign language shall submit an original, notarized English translation. 2)

C)b) Scores--obtained--by--ECFVG--candidates--taking--the--National--Board

# DEPARTMENT OF PROFESSIONAL REGULATION

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# NOTICE OF ADOPTED AMENDMENT(S)

reqistered--with--the-Interstate-Reporting-Service-in-New-York-At such time as a foreign graduate obtains the ECFVG certificate and applies for licensure in Illinois the scores shall be sent to the Department examinations shall be the passing scores established by the testing entity. Prior to January 1994, the passing score on the examination was a converted score of 75 based on 1.5 standard deviations below the 3xamination-(NBB)-and-the--01inical--0ompetency--Test--(00T)--will--be directly from the reporting entity. The passing score on

ත ක **F** Reg. 111. 22 at AUG 1 0 1998 (Source: Amended

effective

# Section 1500.20 Examination

- Board Examination Committee for Veterinary Medicine, of-the-Nationar Board--of--Veterinary--Medicine--Examiners--(NBE)--and--the---Clinical provided by the National Competency-Yest-{CCY}7-which-shall-be-as-follows: The examination(s) for licensure shall be a)
  - 1) National-Board-Examination
- A) Pre-Clinical---(anatomy;----physiology;---disease--processes; etiologic-agents;-pharmacology;-toxicology;-immunology}
- Clinical -- (diagnostics; -- therapeutics; -- medicine; -- surgery; animal-production) H
- @linical--Competency--Test--{large--animal--medicine;--state--and federai--animai-regulation,-pathology,-parasitology,-dermatology, Other-{public-health;-preventive-medicine;-jurisprudence; small-animal-medicine,-surgery) e÷ 43
- Competency Examination was a total converted score of 75 passing score established by the testing entity. Prior to January 1994, the passing score on the National Board examination and The passing score for the examinations each-examination shall based on 1.5 standard deviations below the mean. Clinical Q Q

effective લ્ય લ્ય 10 Reg. 111. 22 at (Source: Amended

### AUG 1 0 1998

Section 1500.30 Endorsement

- An applicant who is licensed under the laws of another jurisdiction state-or-territory of the United States shall file an application with the Department, together with: a)
  - A certification from the licensing authority of all jurisdictions licensed the state - or - territory - of - original - licensure, stating: in which the applicant has ever been licensed and
    - The time during which the applicant was licensed;
- the file on the applicant contains any record of disciplinary actions taken or pending; Whether

# NOTICE OF ADOPTED AMENDMENT(S)

- A brief description of the examination and the received; Ω
- employment since graduation from an approved veterinary program to the time of work history indicating all complete application; 5)
- Certification of successful completion of at least 2 years of preveterinary collegiate training and graduation from an approved program of veterinary medicine and surgery; and 3)
  - The required fee set forth in Section 14 of the Act.
- The Department shall examine each application to determine compliance with Section 13 of the Act. The applicant may be required to appear before the Board: q
- To clarify or explain information contained on the submitted documentation; or 1
- To determine the substantial equivalence of the applicant's qualifications to the licensing requirements in this State. 5)

effective Reg. 111. 22 (Source: Amended at AUG 1 0 1998

#### Restoration Section 1500.35

- <u>5 years or</u> less than-5-years shall have the license restored upon payment of \$10 plus all lapsed renewal fees as specified in Section 14 on inactive status for more than 5 years shall file an application, on of the Act and proof of completion of the continuing education forms supplied by the Department, together with the fee specified in A licensee seeking restoration of a license that has been expired for requirements set forth in Section 1500.25 for a single renewal period. A licensee seeking restoration of a license that has been expired or a) Q
  - licensing authority in the other jurisdiction that the licensee This evidence shall include a statement from the appropriate board or was authorized to practice during the term of active practice; Sworn evidence of active practice in another jurisdiction. Section 14 of the Act. The licensee shall also submit either:
    - An affidavit attesting to military service as provided in Section 15 of the Act; or 5)
- Evidence of other experience within the profession, other than active practice (such as research, teaching or publishing) during the time when the license was expired, and proof of completion of the continuing education requirements for a single renewal period. 3)
- A licensee seeking restoration of a license that has been on inactive status for 5 years or less than-5-years shall file an application, on continuing education requirements for a single renewal period and the forms provided by the Department, together with proof of completion of current renewal fee. Û
  - When the accuracy of any submitted documentation or the relevance or g

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# DEPARTMENT OF PROFESSIONAL REGULATION

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requested a need for because of a lack of information, sufficiency of the course work or experience is questioned by clarification, the applicant seeking restoration shall be discrepancies or conflicts in information given or the Board OĽ Department

- Provide such information as may be necessary; and/or
- Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

effective Reg. 15 35 3 111. 22 (Source: ANG 10 1998

### Section 1500.49 Supervision

other individuals when called for consultation and assistance by a veterinarian licensed in the State of Illinois and who act under the supervision, direction, Section 4 of the Act states that members of other licensed professions or any from licensure. veterinarian shall assume responsibility for the referral. and control of the veterinarian are exempt

- General supervision means that the licensed veterinarian is accessible Supervision, as applied to this provision, means general supervision. to the individual under his/her supervision. a)
- The following protocols shall be followed in order for licensed professionals or other individuals to work under the supervision of licensed veterinarian: q
- An established veterinarian-client-patient relationship shall 7
- Appropriate records are maintained by the licensed veterinarian that include written evidence of a veterinarian-client-patient A written or oral consent from the client shall exist; and relationship, client consent, diagnosis and referral 35

effective Reg. 111. (Source: Added at

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# STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

- Heading of the Part: The Administration and Operation of the State Employees' Retirement System of Illinois
- 2) Code Citation: 80 Ill. Adm. Code 1540
- 3) Section Numbers: Adopted Action: 1540.90 Amendment
- 4) Statutory Authority: 40 ILCS 5/14-135.03
- 5) Effective Date of Rules: August 10, 1998
- 6) Does this rulemaking contain an automatic repeal date?

N<sub>O</sub>

- 7) Do the Rules contain incorporations by reference? N
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 04/10/98 22 Ill Reg
- 10) Has JCAR issued a Statement of Objections to the Amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will the Rules replace an emergency rule currently in effect?
- 14) Are there any amendments pending on the Part? No
- 15) Summary and Purpose of Rules: On February 4, 1998, the Appellate Court of Illinois, Fifth District, in Young V. Mory (Fifth District Appellate Court No. 5-97-0089) issued an opinion in support of Young's contention that the State Employees' Retirement System cannot offset attorney's fees paid in a Workers' Compensation case based on the common fund doctrine, which states in part, that, "an attorney who performs services in creating a fund should, in equity and good conscience, be allowed compensation out of the whole fund from all those who seek to benefit from it."
- Base on this decision, the wording changes to Section 1540.90 (a)(5) and Section 1540.90 (b)(1) are being proposed to allow for the reduction of offset for legal expenses granted.
- 16) Information and questions regarding this adopted rule shall be directed

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

to:

Michael L. Mory, Executive Secretary
State Employees' Retirement System of Illinois
P.O. Box 19255 - 2101 South Veterans Parkway
Springfield, Illinois 62794-9255
217/786-7444
Fax: 217/557-3643

The full text of the Adopted Amendments begins on the next page.

# STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

CHAPTER I: STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES SUBTITLE D: RETIREMENT SYSTEMS

#### STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS THE ADMINISTRATION AND OPERATION OF THE PART 1540

Nonoccupational and Temporary Disability Benefits, and Resignation - Retirement Annuity, Occupational and Payments to Establish Credit for Service for Which Contributions are Procedure for Submission, Consideration and Disposition of Petitions Seeking the Promulgation, Amendment or Repeal of these Rules and Organization of the State Employees' Retirement System (Recodified) Severance of Employment - A Condition to the Payment of a Refund Period for Payment and Amount of Payment of Contributions Credit for Service for Which Contributions are Permitted Contributions and Service Credit During Nonwork Periods Pick-up Option for Optional Service Contributions Removal of Children from Care of Surviving Spouse Availability for Public Inspection (Recodified) Appointment of Retirement System Coordinator Member's Contribution and Service Credit Contributions By the State (Repealed) Determination of Rate of Compensation Pension Credit for Unused Sick Leave Investigations of Benefit Recipients Actuarially Funded Basis (Repealed) Interest on Member Contributions Written Appeals and Hearings Latest Date of Membership Lump Sum Salary Payments Removal From the Payroll Regulations (Recodified) Application Birth Date Verification Marriage Verification Prior Service Credit Level Income Option Proof of Dependency Retirement Annuity Disability Claims Refund Payments Death Benefits Benefit Offset Introduction οĘ Permitted Date 1540,310 1540.100 1540.110 1540.120 540.130 1540.140 1540.150 1540.160 1540.170 1540,180 1540.190 1540.200 1540.210 1540.220 1540.230 1540.240 1540.250 1540.255 1540.260 1540.270 1540.280 1540.290 1540,300 Section 1540.10 1540.20 1540.40 1540.60 1540.70 1540.80 540.30 1540.50 1540.90 1540.5

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STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

### NOTICE OF ADOPTED AMENDMENTS

Optional Forms of Benefits - Basis of Computation Excess Benefit Arrangement Board Elections 1540,330 540.340 Implementing and authorized by Article 14 of the Illinois Pension Code [40 ILCS 5/Art. 14]. AUTHORITY:

Optional Forms of Benefits - Basis of Computation

TABLE A

SOURCE: Filed December 20, 1977, effective December 31, 1977; filed and 677, effective December 30, 1982; amended at 7 Ill. Reg. 8831, effective July 10498, effective June 19, 1990; amended at 15 Ill. Reg. 7379, effective April 26, 1991; amended at 16 Ill. Reg. 14407, effective September 4, 1992; amended Reg. 476, effective January 1, 1997, for a maximum of 150 days; amended at 21 13187, effective September 15, 1997, for a maximum of 150 days; amended at 22 1, 1980; amended at 4 Ill. Reg. 12, pages 530, 532, 534, 1981; amended at 5 Ill. Reg. 7225, effective July 1, 1981; amended at 5 Ill. Reg. 12846, effective October 30, 1981; amended at 6 Ill. Reg. 2114, effective codified at 6 Ill. Reg. 10935; emergency amendment at 6 Ill. Reg. 11084, effective August 31, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. Code 1985; emergency amendment at 9 Ill. Reg. 19752, effective December 5, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 8889, effective May 14, 1986; at 20 Ill. Reg. 8033, effective June 15, 1996; emergency amendment at 21 Ill. Ill. Reg. 4992, effective April 1, 1997; emergency amendment at 21 Ill. Reg. effective March 11, 1980; emergency rule at 4 Ill. Reg. 46, page 1300, effective November 1, 1980; amended at 5 Ill. Reg. 3454, effective March 19, January 29, 1982; amended at 6 Ill. Reg. 5505, effective April 16, 1982; 15, 1983; emergency amendment at 8 Ill. Reg. 359, effective January 1, 1984, for a maximum of 150 days; amended at 8 111. Reg. 4144, effective March 26, 2375 at 8 Ill. Reg. 15902; amended at 9 Ill. Reg. 12375, effective July 30, amended at 11 I11. Reg. 11155, effective June 15, 1987; amended at 14 I11. Reg. 4 Ill. Reg. 2, page 246, 967, effective Meramber 1992, 1997; amended at 22 Ill. effective 1984; Sections 1540.280, 1540.290 and 1540.300 recodified to 2 Ill. Adm. effective February 28, 1978; emergency rule at 15 3 63, effective effective January

Or

# Section 1540.90 Benefit Offset

Benefits received under Workers' Compensation Act [820 ILCS 305] { ###+ Occupational Diseases Act [820 ILCS 310] (Filt--Rev:-Stat:-1991,-ch: occupational disability or death benefit provided under the Retirement Rev.-Stat.-1991,-ch.-48,-par.-138,1-et-seq.,-as-amended) or Workers' to disability or to the same disability or death. The Workers' death of a member shall be applied as an offset against Compensation weekly rate will be converted to a monthly rate as an offset to the Retirement System monthly benefit. 487-pars--172-36-et-seg---as-amended} with respect Occupational Disability and Occupational Death System with respect

1) If the amount of compensation received is less than the monthly

Amendments

# STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

# NOTICE OF ADOPTED AMENDMENTS

benefit provided under the Pension Code Retirement-Act, only the amount of the excess of such monthly benefit over the amount of such compensation shall be payable by the Retirement System, subject, in the case of occupational death, to any minimum benefit provided by Section 14-103.18 and Section 14-121(h) of the Pension Code Retirement-Act. If the amount of compensation received equals or exceeds the monthly benefit provided under the Pension Code Retirement-Act, no benefit shall be payable by the Retirement System during the period compensation is paid under the Workers' Compensation Act or Workers' Occupational Diseases

2) If the compensation for disability or death is received in a commuted lump sum or partly in a commuted lump sum and partly in monthly or weekly sums, the Retirement System shall, for offset purposes, consider the compensation as if it had been paid at a weekly rate as prescribed under the Workers' Compensation Act or Workers' Occupational Diseases Act, Salary or wages paid beyond date of disability shall not be considered part of the Workers' Compensation offset.

3) In the event the whole or any part of the benefits received under the Workers' Compensation Act or Workers' Occupational Diseases Act is commuted into one sum, the aggregate sum of the benefits so commuted and not the commuted value thereof shall be used for purposes of ascertaining the amount of offset.

4) No such offset or composation shall be made after retirement of

a member of a retirement annuity.

 The amount considered for offset purposes shall not be reduced by any legal expenses granted in from the award to-the-member.
 No offset shall be made with respect to amounts received or paid

6) No offset shall be made with respect to amounts received or paid under the Workers' Compensation Act or Workers' Occupational Diseases Act for medical, hospital, or burial expenses.

7) That portion of the occupational death benefit consisting of accumulated contributions of a member shall not be subject to any offset mentioned in this section.

Act or Workers' Occupational Diseases Act due to remarriage of the benefit recipient shall cause the offset to the Occupational Death Benefit applicable to the remarried benefit recipient to terminate effective with the last month of eligibility represented in the final benefit payment under the Workers' Compensation Act or Workers' Occupational Diseases Act.

9) In those cases where the injury or death, for which an occupational disability or death benefit is payable, creates a

the employer to pay damages, the Workers' Compensation offset shall be applied as follows:

A) Any amounts paid under the Workers' Compensation Act or Workers' Occupational Diseases Act are subject to the offset

legal liability for damages on the part of some person other than

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# STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

provisions of Article 14 of the Pension Code Retirement--Act [40 ILCS 5/Art. 14] (#ill--Revr-Statr-1994).chr-ib0-1/27 pars;-14-101-ct-seq-; and this Part these--Administrative Ruies, even though such amounts are recoverable under the subrogation Section section 5(b) of the Workers' Compensation Act.

B) In the event that benefits due under the Workers' Compensation Act or Workers' Occupational Diseases Act are commuted into one sum or waived in lieu of the member seeking recovery against a third party, the System shall use the amount of any judgment, settlement or payment for such injury by the third party as a credit against any benefits paid or payable by the System.

10) Any period(s) of disability for which payment under the Workers' Compensation Act is denied due to the failure of the individual to comply with that Act which result in a period(s) of noncompensability under the Workers' Compensation Act will not be considered for Occupational Disability until the entire Workers' Compensation case has been finalized through the Illinois Industrial Commission.

b) Nonoccupational Disability and Temporary Disability

1) The nonoccupational and temporary disability benefit payable to a covered member shall be offset before age 65 by the amount of Social Security disability benefit payable prior to the member attaining age 65 and after age 65 by the amount of the Social Security retirement benefit for which the individual is first eligible on or after attaining age 65 less legal expenses paid by the member to obtain the award up to the maximum allowed by the

Social Security Administration.

2) The Social Security retirement benefit offset will be applied as follows at age 65:

A) For a disability benefit recipient who received Social Security disability benefits before age 65, the Social Security disability benefit payment applied as the offset prior to age 65 will remain in effect as the Social Security retirement benefit offset on or after age 65.

B) For a disability benefit recipient who did not receive Social Security disability benefits before age 65, the Social Security disability benefit amount that would have been payable by the Social Security Administration had the disability benefit recipient been disabled for the purpose of Social Security will be used as the Social Security retirement benefit offset at age 65 regardless of acceptance of a Social Security retirement benefit before age 65.

C) When a Social Security disability benefit amount is not provided by the Social Security Administration because the individual is not eligible for a disability benefit for a reason other than not being disabled, the Social Security

# STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

### NOTICE OF ADOPTED AMENDMENTS

which the individual is eligible at age 65 will be used offset purposes at age 65.

benefit determined at the date of disability for

retirement

Disability benefits commencing after age 65 will be offset by Social Security retirement benefits for which the individual eligible on the commencement of disability. 3)

Widows and Survivors Annuities c)

 When a monthly widows or survivors annuity is approved on account of a covered employee, the annuity shall be reduced by one-half beneficiaries included in the widows or survivors annuity are eligible. The offset shall not reduce any survivor or widows of any Social Security survivors benefits for benefit by more than 50 percent.

The reduction will commence on the date the beneficiaries first become eligible to receive any portion of the Social Security benefit regardless of whether the beneficiaries elect to accept beneficiaries' own earnings preclude payment of Social Security that date, the Social Security benefit on 5

If at the time the offset is to be commenced: the survivor survivors benefits. 3)

amount shall be deducted from the amount of the survivors benefit eligible to receive a monthly benefit amount based on his/her own Primary Insurance Amount such amount shall be deducted from the offset computed on the difference; the survivor is eligible to receive a monthly benefit amount based on his/her own Primary Insurance Amount and a governmental pension offset would have been applied to the Social Security survivors benefit, such payable by Social Security and the offset computed on the amount of survivors benefit payable by Social Security and

The Social Security reduction amount once established shall remain constant except for the following conditions: 4)

a survivor under age 50 previously receiving the survivors benefit because of minor children becomes a deferred annuitant then the offset amount will be recomputed when he or she first becomes eligible for Social Security survivors benefits. The offset amount will be based on the original widow's Social Security survivors amount ignoring subsequent increases to the deceased's Primary Insurance Amount. The recomputed offset amount shall be the balance Security survivors benefit minus the governmental pension offset, if any. Social the A)

The offset amount will be adjusted when a child is from consideration for the System's annuity. B

offset amount will be adjusted when any benefit recipient(s) become ineligible for Social Security benefits. ΰ

For deaths on or after the effective date of this Section change, if a survivor under age 62 previously receiving the (Q

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Insurance Amount of the survivor determined at the date of benefit amount based on a Primary Insurance Amount on his or her own record, then the offset will be recomputed when Primary Insurance Amount. The offset amount will be based on the estimated widow(er)'s Social Security survivors amount determined at the date of death of the member less the estimated monthly benefit amount based on the Primary ignoring any subsequent increases to the deceased Primary The monthly benefit amount based on the primary insurance the survivor shall be determined from the Social Security Administrations' Personal Earnings and Benefit survivor benefit becomes eligible to receive a monthly death of member, and the government pension offset, if any, Insurance Amount or the Survivors Primary Insurance Amount. Estimate Statement including any adjustment due (s)he first becomes eligible to receive his or application of the Windfall Elimination Provision. of

Retirement Annuity q)

member upon attainment of age 65 shall, at the date of acceptance of a Pursuant to Section 14-108(f) of the Pension Code Retirement-Act, for the Social Security including any adjustments due to the application of the Windfall Elimination Provision. For members over age 65, the primary insurance benefit shall be the amount of social security benefits payable at the Administrations' Personal Earnings and Benefit Estimate Statement, members under age 65, the primary insurance benefit payable to date of retirement with the State Employees' Retirement System. from determined þe annuity,

60 60 60 60 60 Reg. 111. (Source: AMORING 1998

effective

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Inspection Procedures For Type II School Buses
- 2) Code Citation: 92 Ill. Adm. Code 443

Adopted Action:	Amend	Amend	Amend	Amend	Amend	Amend	Amend	Amend	Amend	Amend	Amend	Amend	Amend	Amend	Amend	Amend	New Section	
3) Section Numbers:	443.10	443.25	443.40	443.Appendix A	443.Appendix B	443.Appendix C	443.Appendix D	443.Appendix E	443.Appendix F	443.Appendix G	443.Appendix H	443.Appendix I	443.Appendix J	443.Appendix K	443.Illustration A	443.Illustration E	443.Illustration F	

- 4) Statutory Authority: Implementing and authorized by Article VIII of the Illinois Vehicle Equipment Law [625 ILCS 5/Ch. 12, Art. VIII as amended by P.A. 90-108, effective July 14, 1997] and the Illinois Vehicle Inspection Law [625 ILCS 5/Ch.13].
- 5) Effective date of rules: August 7, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference?

No

- 8) A statement that a copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of proposal published in Illinois Register: February 6, 1998, 22 Ill. Reg. 2914
- 10) Has JCAR issued a Statement of Objections to these rules?
- 11) Differences between proposal and final version

Various grammatical and typographical corrections were made to the Part.

Additionally, the following two changes were originally proposed by the

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## DEPARTMENT OF TRANSPORTATION

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Department, but JCAR inadvertently omitted them from their inputted version published in the Illinois Register at First Notice.

At Section 443. Appendix G (c)(2)(D), the text should have read as follows:

Optional route identification markers (numbers or symbols) are allowed. They must be located either in the first window or-en-the bus--body directly behind the service entrance door. If route identification markers are installed in permanent holder or bracket must have rounded edges or be padded.

At Section 443. Appendix G(d)(3), the text should have read as follows:

Exception: Buses less the 80 inches wide or-20-feet-tong are exempt. (Section--12--202(a)--of--the--Illinois--Vehicle--Equipment-baw 49 CFR 571.108)

Following are substantive changes made to the Part pursuant to public comment and, also, at JCAR's request:

At Section  $443.\mathrm{Appendix}\ \mathrm{I(a)}$ , the Department changed language regarding retractors.

At Section 443.Appendix I(c), language regarding jump or portable seats and child restraint systems was clarified.

At Section 443.Appendix J(a)(ii), the Department corrected the names of the "stop signal arm panel" and the "stop arm signal".

At Section 443.Illustration F, The Department added an Agency Note to help clarify the meaning of Table 3.

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes
- 13) Will this rule replace an Emergency Rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- Summary and purpose of rules: By this Notice, the Department is updating, clarifying and correcting the Illinois school bus inspection procedures. This amendment corresponds with the adoption of 92 Ill. Adm. Code 458, effective October 1, 1997. Part 458 addresses the school bus driver's pretrip inspection requirements that have been removed from Section 443.Illustration E of this Part. Section 443.Illustration E is repealed and a new Illustration, Illustration F: School Bus Emergency Exits, is

## NOTICE OF ADOPTED AMENDMENTS

added to the Part. The following details specific changes made to Sections in this Part.

Section 443.10 Purpose and Scope: The Department removed the reference to the daily pretrip inspection requirements performed by the school bus driver. These requirements have been adopted at 92 Ill. Adm. Code 458, effective October 1, 1997.

Section 443.25 Incorporation by Reference of Federal Regulations: The Department updated the reference to the federal regulations as of October 1, 1996, and has deleted the references to federal final rules which are now contained in the CFR.

Section 443.40 Definitions: The Department added a definition of "interstate school bus", removed the reference to "State Certification label" in the definition of "Manufacturer", removed the definition of "newton", amended the definition of "school bus" and added a definition of "seating reference point".

Section 443.Appendix A Air Cleaner through Barrier, Guard: The Department updated the reference to the federal regulations, clarified the requirements for aisles adjacent to side emergency doors and added an Agency Note regarding flip-up seats.

Section 443.Appendix B Battery or Batteries through Bumper, Front: The Department amended the rejection criteria for brake drums/discs, clarified language regarding emergency brake warning lights, added inspection criteria for low pressure warning devices for air brake systems, clarified language for inspection Report, added rejection criteria for computerized brake Inspection Report, added rejection criteria for computerized brake testing equipment, and replaced language for crossing control arms with a reference to crossing control arm in Section 443.Appendix C.

Section 443.Appendix C Bumper, Rear through Drive Shaft Guard: The Department added "school bus" in Certificate and Registration Card Holder, corrected a reference to "BUS" in Certification Label (FEDERAL) and added criteria for crossing control arms pursuant to P.A. 90-108, effective July 14, 1997.

Section 443.Appendix D Electrical System through Fenders: The Department updated the references to the federal regulations, clarified the language for alarms and installation specifications on roof hatches, added criteria for inside release mechanisms on side emergency exits, added criteria for the condition of doors and rubber seals around the doors, added language regarding side emergency exits for buses manufactured on or after September 1, 1994, clarified language regarding alarms on emergency exits, added language for locks and alarms on entrance doors, clarified procedures for inspection of exhaust systems and removed "patching" of

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### DEPARTMENT OF TRANSPORTATION

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exhaust system from rejection criteria.

Section 443.Appendix E Filter, Oil through Frame and Body: The Department added "interior engine cover" to inspection of floors and floor covering and removed the requirement that floor covering be "rib type".

Section 443.Appendix F Fuel Storage and Delivery System through Horn: The Department corrected the reference to Section 443.Illustration B, corrected language regarding the placement of a fuel identification decal for vehicles powered by an alternate fuel system and added added additional inspection procedures for inspection of interior grab handles.

Section 443.Appendix G Instruments and Instrument Panel through Locked Compartment: The Department added voltmeter to instruments and instrument panel, updated the reference to the federal regulations, corrected the reference to alternate fuel decal, removed language regarding optional route identification markers from the exterior section of lettering (the language is located in the interior section), added language requiring the vehicle's length to be posted inside the bus (effective 1/1/99), corrected exceptions to lighting requirements, added requirements for color order of flashing lights, added a requirement for flashing light's pilot lights to function, added inspection criteria for high/low beams on headlights, added applicable requirement for high-mounted stop lamp, and deleted the requirement that armored turn signal lamps be "flush mounted".

Section 443.Appendix H Mirrors through Rub Rails: The Department deleted the requirement that all mirrors be adjustable, added the requirement that all mirrors weet FWVSS 49 CFR 571.111 (Rearview Mirrors), deleted the requirement that the right and left side safety mirror be adjustable, added language that allows retroreflective tape to be located on the rear bumper under certain conditions, added criteria for optional white roofs, clarified language regarding required and optional retroreflective tape and clarified the requirement for padding interior roof projections.

Section 443.Appendix I Seat Belts through Steps, Entrance: The Department clarified the requirement for the optional retractor on seat belts, clarified what is meant by a jump or portable seat, corrected language regarding flip-up seats and updated references to the federal regulations.

Section 443.Appendix J Stop Arm Panel through Trash Container (Optional): The Department renamed "stop arm panel" to "stop signal arm panel" for consistency with 92 Ill. Adm. Code 442, added requirements for additional (optional) stop arm panels, added "broken" as rejection criteria for shocks and added inspection criteria for an optional trash container.

Section 443.Appendix K Undercoating through Windshield Wipers: The

### NOTICE OF ADOPTED AMENDMENTS

amended the rejection criteria for windows and added rejection criteria Department amended the inspection procedures and the rejection criteria for measuring the tread used on the steering axle, moved and clarified the statement regarding the location where tire measurement is prohibited, for "star chips" on the windshield. Section 443.Illustration A Stop Arm Panels: The Department amended Section 443.Illustration A by adding "Signal" in the Section heading for consistency with the text.

school bus driver pretrip inspection requirements to correspond with 92 Section 443.Illustration E Driver's PreTrip Inspection Requirements and Sample Form: The Department repealed the Illustration to remove the Ill. Adm. Code 458 (School Bus Driver's Pretrip Inspection Requirements).

Section 443.Illustration F (School Bus Emergency Exits): The Department added Section 443.Illustration F to clarify the federal standards that require additional emergency exits on school buses depending on the Information and questions regarding these adopted rules shall be directed t0: 16)

Illinois Department of Transportation Springfield, Illinois 62764 Division of Traffic Safety Regulations Unit (217) 785-1181 Ms. Cathy Allen P.O. Box 19212

The full text of the Adopted Amendments begins on the next page:

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SUBCHAPTER e: TRAFFIC SAFETY (EXCEPT HAZARDOUS MATERIALS) CHAPTER I: DEPARTMENT OF TRANSPORTATION TITLE 92: TRANSPORTATION

INSPECTION PROCEDURES FOR TYPE II SCHOOL BUSES

Incorporation by Reference of Federal Regulations Purpose and Scope Application Section 443.10 443.20 443.25

Standards of Construction Definitions 443.30 443.40

Battery or Batteries through Through Bumper, Front Bumper, Rear through Through Drive Shaft Guard Air Cleaner through Through Barrier, Guard Electrical System through Through Fenders APPENDIX A APPENDIX B APPENDIX C APPENDIX D

Fuel Storage and Delivery System through Through Horn Instruments and Instrument Panel through Filter, Oil through Through Frame and Body APPENDIX E Ü APPENDIX F APPENDIX

Locked

Through Mirrors through Through Rub Rails Seat Belts through Through Steps Compartment H APPENDIX APPENDIX

(Optional) Stop Signal Arm Panel through Trash Container Undercoating through Through Windshield Wipers Standards Minimum Through-Tew-Hooks Illinois × П APPENDIX APPENDIX APPENDIX

1111nois Minimum Standards for School Bus - Van TYI Conversions 1-16 Passengers Purchased Prior to September 1974 Brake Inspection Report Stop Signal Arm Panels Exhaust Guidelines Propane Decal ILLUSTRATION A прυ ILLUSTRATION ILLUSTRATION

Driver's Pre-Trip Inspection Requirements and Sample Form School Bus Emergency Exits (Repealed) ILLUSTRATION F LLUSTRATION

AUTHORITY: Implementing and authorized by Article VIII of the Illinois Vehicle Equipment Law [625 ILCS 5/Ch. 12, Art. VIII] and the Illinois Vehicle

Inspection Law [625 ILCS 5/Ch. 13].

SOURCE: Adopted at 19 Ill. Reg. 4634, effective March 13, 1995; amended at Ill. Reg. 13 f f effective AUG 07 1998

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Section 443.10 Purpose and Scope

οĘ of the Illinois Department the requirements prescribes Transportation governing: This Part

Equipment Law a) Implementation of Article VIII, the Illinois Vehicle

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[625 ILCS 5/Ch. 12, Art. VIII]; and

- Inspection procedures for Type II school buses. 7-and a to
- Performance-of-the-daily-pre-trip-inspection-by-school-bus-drivers;

effective Reg. 111. 22 at AUG 0 7 1998 Amended (Source:

# Section 443.25 Incorporation by Reference of Federal Regulations

Whenever this Part refers to the Code of Federal Regulations and that reference incorporates the federal regulations by reference, the federal regulations shall be that which was effective as of October 1, 1996 ±992,-as amended-at-57-FR-494137-November-27-19927-as-amended-at-57-FR--570007--December 2,--1992,--as-amended-at-57-FR-57020,-December-2,-1992,-and-as-amended-at-59-FR 229977-May-47-1994, not including any later amendments or editions. Copies are available for inspection at Department's Commercial Vehicle Safety Section. regulations federal incorporated appropriate

effective Reg. 111. 22 (Source: Amended at

### Section 443.40 Definitions

"Body" - Portion of vehicle that encloses the occupant and cargo spaces and separates those spaces from the chassis frame, engine compartment, driveline, and other chassis components, except certain chassis controls used by the driver.

truck type chassis (or other separate chassis) so that the body and chassis are separate entities, although "Body-on-Chassis" - Completed vehicle consisting of one may reinforce or brace the other. seating body mounted on a

(Section 1-107 of the Illinois "Bus" - Every motor vehicle, other than a commuter van, designed for Vehicle Code (the Code)) [625 ILCS 5/1-107] carrying more than ten persons.

"Chassis" - Every frame or supportive element of a school bus that contains but is not limited to the axles, engine, drive train, steering components, and suspension which the body is attached to. (Section 1-110.1 of the Code)

"Code" - The Illinois Vehicle Code [625 ILCS 5]

Programs of the Division of Traffic Safety of the Illinois "Commercial Vehicle Safety Section" (CVSS) - A section of the Bureau Department of Transportation.

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of or directly or through its authorized agents of the Department of Transportation (Section 13-100 of the Code) acting 'Department" - The Illinois, officers.

"Empty Weight" - Unloaded vehicle weight; i.e., the weight of a vehicle with maximum capacity of all fluids necessary for operation of "Empty Weight" - Unloaded vehicle weight; i.e., the the vehicle but without cargo or occupant.

(FMVSS) - The rules, regulations and standards set forth in 49 CFR 571. "Federal Motor Vehicle Safety Standards"

manufacturer as the loaded weight of the school bus. (Section 12-800 value specified by 'Gross Vehicle Weight Rating or GVWR" - The of the Illinois Vehicle Equipment Law)

"Illinois Vehicle Equipment Law" - {625 ILCS 5/Ch. 12}

district designed to transport 16 or more persons, including the driver, that is used for interstate charter purposes (i.e., travels to Commerce Commission (ICC) number. Interstate school buses require an annual inspection which meets 49 CFR 396 - Appendix G as well as the "Interstate School Bus" - Any school bus not owned by a school semi-annual or 10,000 mile inspection required by 625 ILCS 5/13-101. another state). The bus must be marked with a federal

nse) means the person or organization whose name follows "MANUFACTURED BY" - (unless otherwise indicated at the point of or "MFD BY" on the federal and-state certification label. "Manufacturer"

"Newton"--(N)----Metric-unit-of-force-and-weight---N---mass-multiplied by-the-standard-acceleration-of-free-fall,-or-4gravity4-(i-e-7-9-8);

'Passenger" - Every occupant of the vehicle who is not the driver.

not "Purchase Date" - Date when purchase transaction was completed, when body or chassis was built.

"School Bus" -

Type I School Bus - A School Bus with gross vehicle weight rating of more than 10,000 pounds. Type II School Bus - A School Bus with gross vehicle weight rating of 10,000 pounds or less. (Section 12-800 of the Illinois Vehicle Equipment Law) Every motor vehicle, except as provided below, owned or operated by or for any of the following entities for the transportation of

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persons regularly enrolled as students in grade 12 or below in connection with any activity of such entity:

Any public or private primary or secondary school;

Any primary or secondary school operated by a religious institution; or

Any public, private or religious nursery school.

This definition shall not include the following:

A bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when such bus is not traveling a specific school bus route but is:

On a regularly scheduled route for the transportation of other fare paying passengers;

Furnishing charter service for the transportation of groups on field trips or other special trips or in connection with other special events; or

Being used for shuttle service between attendance centers or other educational facilities.

A motor vehicle of the first division. (Section-1-182-of the-Gode)

A motor vehicle designed for the transportation of not less than 7 nor more than 16 persons that is operated by or for a public or private primary or secondary school, including any primary or secondary school operated by a religious institution, for the purpose of transporting not more than 15 students to and from interscholastic athletic or other interscholastic or school sponsored activities. (Section 1-182 of the Code)

"Seating Reference Point" - The unique design H-point, as defined in SAB J1100, which simulates the position of the pivot center of the human torso and thigh. Each school bus manufacturer utilizes different criteria to determine the specific seating reference point on passenger seats for vehicles they manufacture.

"Vehicle" -

First Division: Those motor vehicles which are designed for the

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carrying of not more than ten persons.

Second Division: Those vehicles which are designed for carrying more than ten persons, those designed or used for living quarters and those vehicles which are designed for pulling or carrying property, freight or cargo, those motor vehicles of the First Division remodeled for use and used as motor vehicles of the Second Division, and those motor vehicles of the First Division used and registered as school buses. (Section 1-217 of the Code)

(Source: AUE 07 1998 )

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Air Cleaner through Through Barrier, Guard Section 443.APPENDIX A

PROCEDURE/SPECIFICATIONS:

a) AIR CLEANER

Any type is acceptable.

REJECT VEHICLE IF:

Air cleaner is not properly attached or is

missing.

PROCEDURES/SPECIFICATIONS

b) AISLE

must be at least 12 inches wide. Floor to ceiling service door to emergency door or back of bus height must be minimum of 58.9 inches at any Unobstructed minimum clearance leading from location with the aisle.

on or after September 1, 1994, the following must any side emergency door. For buses manufactured An A-dedicated aisle may be present adjacent to be met: The-aisle-must-be-unobstructed-at-all-times. ++

No-portion-of-a-seat-or-barrier-may-extend past-the-door-opening-43

An unobstructed aisle measuring at least 11.7 times, except when a flip-up seat is in the inches (30 cm) must be maintained at all down position. 7

No portion of the door latch mechanism can be obstructed by a seat. 2)3}

The There-must-be-at-least 11.7 inches (30 cm) aisle is measured from the door opening (57-FR-494137-November-27-19927-as-amended-at to the seat back in front. (49 CFR 571.217) 59-FR-229977-May-47-1994} 3)4+

AGENCY NOTE:

Flip-up seats are allowed. See SEATS, PASSENGER for standards

REJECT VEHICLE IF:

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Aisle does not meet minimum standards.

PROCEDURES/SPECIFICATIONS: (GENERATOR)

c) ALTERNATOR

The generator, or alternator with rectifier, amperes and shall be capable of meeting all shall have a minimum capacity rating of 55

REJECT VEHICLE IF:

electrical requirements.

Alternator does not meet minimum standards or is not functioning.

PROCEDURES/SPECIFICATIONS: d) AXLES

indicated on federal certification label. (49 CFR 568) Wheel base shall not be less Meets federal chassis requirements as

than 123 inches.

REJECT VEHICLE IF:

Axles show visible signs of apparent damage, leaking fluids or are not firmly attached.

PROCEDURES/SPECIFICATIONS: e) BARRIER, GUARD

Shall be either the following Type A or B:

extend more than one inch ahead of the rear of bottom shall be no more than two inches above however the barrier's width shall be reduced Installed at the rear of service entrance at service entrance way and aisle. Except for floor. Guard barrier shall match width and TYPE A: Constructed and thickly padded to right-front forward-facing seat; provided, least 23 inches ahead of seat back and no more than one inch from right hand wall, grab handle, the guard barrier shall not as necessary to maintain a 12 inch wide above-floor height of the seat-back on service door opening nor more than one give head and knee impact protection.

inch into the space above any service step.

No portion of the barrier shall present a

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"snagging," sharp, tripping, or other hostile surface to a person moving through aisle or service entrance way.

the rear and left of the service entrance step stanchions shall extend to within three inches TYPE B: Stanchion post shall be installed to the floor. A step well guard panel installed floor. Clearance between step well and first (49 CFR guard rails shall be padded. Padding on the rail attached approximately 30 inches above back at cushion height. All stanchion and measured from panel to front face of seat from guard rail to within two inches of of ceiling and floor; on guard rail it well from floor to ceiling with guard from stanchion to right hand wall and shall extend from wall to stanchion. seat should be at least 24 inches

September 1, 1974, require Type A or B. Buses Exception: All buses manufactured prior to manufactured from September 1, 1974, to March 31, 1977, require Type A.

April 1, 1977, are not required to have guard Exception: Buses manufactured on and after barriers. Exception: See 92 Ill. Adm. Code 445.APPENDIX Special Education School Buses) for other B (Inspection Procedures for Type II possible exceptions.

#### REJECT VEHICLE IF:

Barrier is not solidly attached. Padding or covering shows wear and tear. Barrier does not meet requirements.

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# Section 443.APPENDIX B Battery or Batteries through Whrough Bumper, Front

#### a) BATTERY OR BATTERIES

### PROCEDURES/SPECIFICATIONS:

compartment or on outside of passenger/driver be rated not less than either 70-ampere hours type. It shall be of sufficient capacity to supply all electrical requirements but shall at the 20-hour discharge rate or 105-minutes area. Battery shall be a nominal 12-volt Battery may be mounted either in engine at the 25-ampere discharge rate.

#### REJECT VEHICLE IF:

Battery or batteries are not securely mounted; excessively corroded; of insufficient capacity.

#### b) BATTERY CABLES

# PROCEDURES/SPECIFICATIONS:

Check condition.

#### REJECT VEHICLE IF:

Cables are corroded or are not securely attached.

#### c) BATTERY CARRIER

### PROCEDURES/SPECIFICATIONS:

When the battery is mounted outside the engine operated latch or other fastener. A latch or connecting the battery in this carrier to the servicing. The battery compartment door, or the terminal connector and the first body or fastener must be designed in such a fashion compartment that is located and arranged so body or chassis shall be one piece between compartment it shall be welded or bolted latched position. Each electrical cable in a closed, weather-tight, and vented as to keep the door closed when in the cover, shall be secured by a manually as to provide for convenient routine chassis terminal connector.

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REJECT VEHICLE IF:

Battery carrier does not meet requirements.

PROCEDURES/SPECIFICATIONS:

d) BRAKES

Every motor vehicle shall be equipped with two mechanism shall not leave the motor vehicle (Section 12-301(a) of the separate means of applying the brakes and they shall be so constructed that failure of any one part of the operating Illinois Vehicle Equipment Law) without brakes.

REJECT VEHICLE IF:

Brakes do not meet requirements.

1) Backing Plate

PROCEDURES/SPECIFICATIONS:

Check condition.

REJECT VEHICLE IF:

Backing plate is in poor condition.

2) Drums/ Discs

PROCEDURES/SPECIFICATIONS:

Inspect drums and/or discs for cracks or for manufacturer's minimum limits marked being worn or reworked beyond the

REJECT VEHICLE IF:

Worn or reworked beyond the manufacturer's minimum limits. following-limits:

- Drum-drameter--040-inch-(imm)-under marked-discard-limit-on-Type-I-bus-#
- Brum-diameter--030-inch-(-75mm)-under marked-discard-limit-on-Type-Hi-bus-57
- Disc-thickness--030-inch-(-75mm)-over marked-discard-limit-on-any-bus-÷€

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Other-rework-(rebore,-reface)-limit specified-by-chassis-manufacturer: 4

> Emergency /Parking Brake

PROCEDURES/SPECIFICATIONS:

12-301(a) of the Illinois Vehicle Equipment Law) Emergency/parking brake system must apply brakes to at least two wheels. (Section

Micro brakes are not considered a separate means of braking and are not acceptable. AGENCY NOTE:

Procedures for testing:

Apply operating control fully. 1)

Check actuating mechanism for release. 2)

Brake Performance Test:

Using Drive-On Pad Type Tester:

Drive vehicle onto brake machine pads at 4-8 m.p.h. 7

vehicle to a halt. Do not lock wheels. Apply emergency/parking brake to bring 2)

Note the braking forces registered by the brake machine. 3)

Using Roll-On Type Tester:

Position axle with emergency brake onto roller. 7

Apply emergency brake but do not lock wheels. 2)

REJECT VEHICLE IF:

Emergency/parking brake does not meet requirements.

Procedures for testing:

Not equipped with emergency/parking 7

## NOTICE OF ADOPTED AMENDMENTS

brakes. Operating mechanism does not hold in the applied position.

release when release control is operated Actuating mechanism does not fully properly. 2)

Brake Performance Test:

#### Drive-On Tester:

weight. Braking forces at opposite wheels on Machine does not register a total braking force of at least  $20\,\mbox{\$}$  of vehicle empty same axle vary more than 20%.

#### Roll-On Tester:

weight. Braking forces at opposite wheels on Machine does not register a total braking force of at least 20% of vehicle empty same axle vary more than 20%.

> 4) Emergency Brake

(Pedal or Ratchet

PROCEDURES/SPECIFICATIONS: Lever) Must be in proper adjustment. If vehicle was warning-light must be visible when emergency manufactured with a warning light, it A brake is activated.

#### REJECT VEHICLE IF:

Emergency brake ratchet or warning light do not meet requirements.

5) Pedal

Clearance (Service

Brakes)

Minimum 1 1/2 inch clearance with pedal fully depressed.

PROCEDURES/SPECIFICATIONS:

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#### REJECT VEHICLE IF:

Pedal clearance does not meet requirements.

#### 6) Power

#### Systems

A) Air

PROCEDURES/SPECIFICATIONS:

Air Pressure

<u>.</u>

#### Make one full (maximum) brake application and governor "cut-out") run engine at low idle. With air system fully charged (compressor immediately record reservoir air pressure.

indicated on the air gauge is at least 10 psi governor "cut-in" pressure. Run engine at high idle and determine seconds required to Apply and release brakes until pressure raise reservoir pressure from recorded (i.e, pounds per square inch) below pressure.

#### REJECT VEHICLE IF:

Time required to raise air pressure from recorded to cut-out is more than 30 seconds. Air gauge is missing or does not operate.

#### Low Pressure Warning Device ii)

### PROCEDURES/SPECIFICATIONS

Complete the following steps to evaluate low pressure warning device.

- and release until low air pressure warning device functions. Before starting the engine, apply brakes 7
- Start the engine. 2
- Apply service brakes and release until air compressor is activated. 3
- Continue to run engine until compressor 4)

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### cut-out pressure is reached.

# Record compressor cut-out pressure.

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#### Shut engine off. 9

Determine if low pressure warning device is missing or inoperative.

device only. If not located in the driver's front view, the device must be both audible and visible. For buses manufactured before If located in the driver's forward field of September 1, 1974, the device can be either view, the warning device can be a visual audible or visible.

Record the reading found on the pressure gauge at which the low pressure warning device functions.

#### REJECT VEHICLE IF:

warning device. Device does not meet Missing or inoperative low pressure requirements.

operate at 55 psi or one half cut-out Low pressure warning device does not pressure, whichever is less.

#### B) Electric/

#### PROCEDURES/SPECIFICATIONS: Hydraulic

Electric hydraulic pump must come "on" position. Depress service brake pedal. Turn key to engine "off;" (listen).

#### REJECT VEHICLE IF:

Electric pump does not operate properly or is absent.

#### C) Hydraulic

### PROCEDURES/SPECIFICATIONS:

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Clean reservoir and cover as necessary and check master cylinder fluid level. Do not Inspect booster belt(s), supports, tubes, hoses, connections and general condition. contaminate fluid.

Pedal must move down slightly (feel). Warning Depress brake pedal lightly. Start engine. Warning signal must come on (look/listen). signal must go "off" (look/listen). Turn engine key to "on-" position.

#### REJECT VEHICLE IF:

damaged; any part leaks or is cracked; master cylinder fluid is below manufacturer's Belt is slack or worn; tube or hose is recommended capacity maximum-level.

Either booster or warning signal does not operate properly.

#### D) Vacuum/

Hydraulic

### PROCEDURES/SPECIFICATIONS:

connectors, clamps, and booster air cleaner. Inspect tank(s), chambers, hoses, tubes,

# Inspect supports and attachments.

With engine off, repeatedly apply service brakes until vacuum is depleted, with medium maximum vacuum is established; stop engine; pressure on brake pedal, start engine; release brake and operate engine until apply service brakes hard. With brakes still applied, start engine; after one minute of running engine, check "Low Vacuum" indicator.

#### REJECT VEHICLE IF:

scraped, cracked, loose, or broken. Booster Any component is restricted, collapsed,

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air cleaner is clogged.

Any support or attachment is broken. Any connecting line or other component is not attached or supported so as to prevent damage from scraping or rubbing.

engine is started; insufficient vacuum reserve Foot pedal does not fall away from foot when actuating "low vacuum" indicator; valve or application after engine is off without to permit one full service brake diaphragm leaking.

#### 7) Service Brakes

### PROCEDURES/SPECIFICATIONS:

(Section 12-301(a)(5) of the Illinois Must be equipped with service brakes on all Vehicle Equipment Law) wheels.

Must be equipped with a "split system" on service brakes. (49 CFR 571.105)

Power-assisted service brakes are required (49 CFR 571,105)

#### REJECT VEHICLE IF:

Service brakes do not meet requirements.

#### A) Brake

Inspection Report

### PROCEDURES/SPECIFICATIONS:

Verify Brake Inspection Report for following (refer to Section 443.Illustration C for example of form):

- i)1+ Vehicle Identification Number (VIN), make and year must correspond to the bus presented for inspection.
- ii)2. Brake Inspection Report must indicate the brake inspection was performed. If date and mileage at the time the

### DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENTS

date is more than one year prior to time of inspection or mileage has exceeded 10,000 miles, a brake inspection must be performed.

required information. No blank lines iii)3.The form must be completed with all are acceptable.

is not required. Write "Less than 10,000 miles and remarks-section on the Vehicle Inspection Report. 10,000 miles and less than 12 months have passed less than one year old" in the Remarks Section Exception: If the bus has operated less than Inspection Report an-brake-inspection-report since the bus was manufactured, a Brake

#### REJECT VEHICLE IF:

Absent, invalid, or incomplete brake inspection report.

B) Brake

Performance Test

### PROCEDURES/SPECIFICATIONS:

# Using Drive-On Pad Type Brake Tester:

Check vehicle's stopping ability before testing.

Drive vehicle onto brake machine pads at 4-8 m.p.h.

t c Apply service brakes to bring vehicle halt. Do not lock wheels. Note the braking forces registered by the brake machine.

### Using Roll-On Type Tester:

be tested separately. Transmission must be in When using roller-type tester each axle must neutral when testing brakes on any drive

Drive front axle onto rollers. Start roller

## NOTICE OF ADOPTED AMENDMENTS

motor. Apply service brakes but do not lock wheels.

Repeat the above steps for each axle.

The total braking force on a vehicle must be determined by adding the results of the test on each axle.

#### REJECT VEHICLE IF:

#### Drive-On Tester:

Machine does not register a total braking force of at least 60% of the vehicle empty weight.

#### Computerized tester does not register a total braking force of at least 45% of the vehicle empty weight.

Braking forces at opposite wheels on same axle vary more than  $20\ensuremath{\,^\circ}$ .

#### Roll-On Tester:

Machine does not register a total braking force of at least 60% of the vehicle empty weight. Braking forces at opposite wheels on same axle vary more than 20%.

### PROCEDURES/SPECIFICATIONS:

e) BUMPER,

manufacturer's standards. Black color is not Manufacturer's standard for vehicle or an equivalent bumper which meets or exceeds required.

#### (See CROSSING CONTROL ARM in Section 443.APPENDIX C for requirements.)

#### REJECT VEHICLE IF:

Bumper must be solidly attached, and free from damage or sharp edges.

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Bumper-may-be-equipped-with-a-crossing-control display-yellow-reflectors-or-yellow-lampsarm --- eressing-centrel-arms-can-enly

22 (Source: Amended at AUG 07 1998

Reg. 111.

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# Bumper, Rear through Through Drive Shaft Guard Section 443.APPENDIX C

a) BUMPER, REAR

### PROCEDURES/SPECIFICATIONS:

attached or shielded between body and bumper Manufacturer's standard for vehicle and so as to prevent hitching rides or tows. Black color is not required.

or earlier is exempt from having a non-hitchable Exception: A bus manufactured in October 1978 bumper.

#### REJECT VEHICLE IF:

Bumper is not solidly attached. Sharp edges are present. Rear bumper is hitchable. Rear bumper does not meet requirements.

> b) CERTIFICATE AND REGISTRATION

Not required for Type II School Bus. CARD HOLDER

LABEL (FEDERAL) CERTIFICATION G

PROCEDURES/SPECIFICATIONS:

Inspect federal certification label if the The manufacturer's label must contain the manufactured after November 10, 1978. chassis (incomplete vehicle) was following information:

- Name of vehicle (bus) manufacturer and the month and year in which manufacture of the vehicle was completed; 7
- which he performed his last manufacturing manufacturer and the month and year in Name of incomplete vehicle (chassis) operation on the incomplete vehicle; 5)
- Gross vehicle weight rating, or ratings (GVWR); 3)
- Gross axle weight ratings (GAWR); 4)
- The statement, "This vehicle conforms to 2)

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all applicable federal motor vehicle safety standards in effect in (month/year)";

- The vehicle identification number (VIN); (9
- The vehicle's classification (usually "BUS" "bus"). (49 CFR 567.5) 7)

Alterer's certification: A certified vehicle might have been altered before its purchase effective date of a federal motor vehicle altered" GVWR, GAWR and classification (if federal motor vehicle safety standards in effect in  $\{month/year\}$ . (49 CFR 567.7) for use as a school bus. The alterations may included, but are not limited to, classification changes, gross weight rating If any such alteration occurred, the bus must carry an additional federal label that identifies the alterer, altered vehicle conforms to all applicable to the application/ shows when alteration was completed, changed). It must also state that or changes safety standard. changes,

#### REJECT VEHICLE IF:

destroyed, not riveted, or not permanently affixed. "Permanently affixed" means the label cannot be removed without destroying A required label is absent, defaced, or defacing it.

required statement and all other information A certification label does not contain the required for that label.

#### CONTROL ARM d) CROSSING

### PROCEDURES/SPECIFICATIONS

- Required on school buses manufactured after December 31, 1997. [625 ILCS 5/12-807.2] (See P.A. 90-108, effective July 14, 1997.) 7
- Must meet or exceed SAE J1133. 7

## NOTICE OF ADOPTED AMENDMENTS

- Must be capable of full operation between, and including, the temperatures -40° F and 2
- minimum of five feet from the front face of The arm, when activated, must extend a the bumper. 4
- right side (entry side) of the front The arm must be mounted on the far bumper. 3
- to attach the arm to the front bumper for proper operation and storage. Appropriate brackets shall be used g
- any applicable federal motor vehicle safety All component parts must meet or exceed standards in effect at the time of manufacture. 7
- the stop arm panel extends. An independent The arm must extend at the same time "on/off" switch is prohibited. 8
- automatically reset once the service door override switch, the arm sequence must extending with the use of an optional If the driver can stop the arm from is closed. 6
- Red lights and/or red reflectors are prohibited. 10)

#### REJECT VEHICLE IF:

# If equipped, arm does not meet requirements.

PROCEDURES/SPECIFICATIONS:

Defrosting equipment shall keep the windshield and the window to the left of the clear of fog, frost and snow, using heat from conform to federal standard 49 CFR 571.103. operator and the glass in the service door heaters and circulation from fans.

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(Auxiliary fans are not considered to be a defrosting and defogging system.)

#### REJECT VEHICLE IF:

Defrosting system does not function properly. Auxiliary fans are not securely mounted or blades are not protected.

### PROCEDURES/SPECIFICATIONS: flet DRIVE SHAFT

#### each segment of the drive shaft and prevent it from going through the floor or dropping Shall be of sufficient strength to protect to the ground if broken.

#### REJECT VEHICLE IF:

attached, or does not properly protect each Drive shaft guard is missing, not firmly segment of the drive shaft.

22 (Source: AUGOOF 1998t

Reg. 111.

effective

eldt DEFROSTERS

## NOTICE OF ADOPTED AMENDMENTS

Electrical System through Through Fenders

#### a) ELECTRICAL

Section 443.APPENDIX D

#### SYSTEM

### PROCEDURES/SPECIFICATIONS: 1) Circuits

specifications are acceptable. An additional lamps. Circuits may be added as necessary. flashing signal lamps and the stop signal circuit shall be added for the alternate Circuits arranged to manufacturer's

#### REJECT VEHICLE IF:

Breaks in insulation are present. Not on proper circuit or properly wired.

### PROCEDURES/SPECIFICATIONS: 2) Fuses

Two extra fuses for each size fuse used on the bus shall be conveniently mounted on the bus body.

#### REJECT VEHICLE IF:

Fuses are not present or are not conveniently mounted.

### PROCEDURES/SPECIFICATIONS: 3) Switches

Check operation and condition.

#### REJECT VEHICLE IF:

Switches not operating properly or are missing.

### PROCEDURES/SPECIFICATIONS: 4) Wiring

inches (460 mm) intervals. Check condition. All wires shall be properly insulated and securely attached at not more than 18.1

#### REJECT VEHICLE IF:

Insulation is frayed or missing. Wiring not securely attached.

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b) EMERGENCY

EXITS

PROCEDURES/SPECIFICATIONS:

and a rear emergency window. (49 CFR 571.217) All buses must be equipped with either a rear emergency door or a left side emergency door

Additional emergency exits, including roof manufactured on or after September 1, (49 CFR 571.217) (See Section 443.Illustration F) (57-FR 494137-November-27-1992) hatches, may be required on buses May-27 1994.

2, 1994, each opening for a required emergency perimeter with a minimum 1 inch (2.54 cm) wide For those buses manufactured on or after May yellow retroreflective tape. This yellow exit must be outlined around its outside retroreflective tape must be on the November-27-19927-as-amended-at-59 exterior surface of the bus. (49 CFR 571.217) (57-FR-494137 FR-229977-May-47-19945

Optional emergency roof hatches are allowed. They must be installed according to recommendations-and-no-alarm-is manufacturer's specifications. required-

Open and close roof hatches (required or optional) to verify their operation.

#### REJECT VEHICLE IF:

Emergency exits do not meet requirements.

Roof hatches do not open.

### PROCEDURES/SPECIFICATIONS: 1) Side

by arrow and without use of remote control, power device, key tool, or any attached or Inside release mechanism must be protected be operated only by moving handle as shown against accidental operation and must be easily accessible from the inside.

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### unattached object other than the release handle. (49 CFR 571.217)

against accidental release; easily accessible; readily operated manually without the use of outward. Shall be equipped with safety glass the rearmost edge of a seat back. Shall have (See Alarms and Locks in this subsection for of the door. Door shall be of at least the same gauge metal as the body. Shall be 24 Inside release mechanism must be protected remote control, power device or tool. Door with forward edge of opening in line with 45 inches or more clear vertical opening. (or equivalent) located in upper portion inches or more clear horizontal opening, Shall be hinged on front side and open and rubber seal must not be defective. requirements.)

#### For buses manufactured on or after September to the seat back in front. (49 CFR 571.217) 1, 1994, there must be at least 11.7 inches (30 cm) measured from the door opening

#### REJECT VEHICLE IF:

Inside and outside release mechanisms are not Inside release mechanism is not protected. location; location and size of opening is accessible, or operable; unable to open General condition of door easily; hinge is located at incorrect and/or rubber seal is defective. incorrect.

## PROCEDURES/SPECIFICATIONS:

2) Rear

Shall open outward with a 120 degree minimum the body. The outside fastening device must be quickly released from inside and outside Locks in this subsection for requirements.) equipped with a fastening device which can swing. Upper portion of each door shall contain fixed safety glazing. Shall be be non-hitchable. Door and rubber seal must not be defective. (See Alarms and

Inside release mechanism must be protected

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arrow and without use of remote control, power easily accessible from the inside. Must be operated only by moving handle as shown by against accidental operation and must be unattached object other than the release device, key, tool, or any attached or handle. (49 CFR 571.217)

in the center of the rear end, exempt from 120 Exception: On a bus manufactured in August 1974 or earlier, the emergency exit shall be degree swing and may open either vertically or horizontally.

#### REJECT VEHICLE IF:

Inside and outside release mechanisms are not Outside release mechanism is hitchable. Door General is incorrect. Size of opening is incorrect. Inside release mechanism is not protected. Location of hinge condition of door and/or rubber seal is accessible or do not operate properly. Glazing does not meet requirements. defective (rubber-and-seal)-is-poor. does not open easily.

#### 3) Emergency Window

PROCEDURES/SPECIFICATIONS:

When the emergency door is located on the left inches wide. Designed to be opened from the nonhitchable. (See Alarms and Locks in this accidental closing in an emergency. Inside Outside handle shall be nondetachable and provided. Minimum 16 inches high and 48 handle shall provide for quick release. designed and operated to insure against side, a rear emergency window shall be inside or the outside. Hinged on top, subsection for requirements.)

#### REJECT VEHICLE IF:

mechanisms do not function. Glass is cracked or broken. If equipped, operating Operating

#### 4) Alarms and

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PROCEDURES/SPECIFICATIONS:

Locks

Both audible and visible alarms shall alert the driver when the engine is running and any emergency exit door either:

- Is not fully latched; or A)
- Is locked and not readily operated manually. B

An audible alarm shall alert the driver when the engine is running and any emergency exit window either:

- Is not fully latched; or A)
- Is locked and not readily operated manually. B

emergency-exit-or-optional-emergency-exit-door Audible-and-visible-alarms-shall-alert-driver when-the-engine-is-running-and-any-required

- Is-not-fully-latched;-or #
- Is-locked-and-not-readily-operated-manually-5

activated-when-the-above-criteria-is-met-Optional-emergency-exit-windows-must-be equipped-with-an-audible-alarm-which-is

that the release mechanism cannot be activated The engine starting system shall not operate (optional or required) is locked from either and the exit opened by a person at the exit inside or outside the bus. "Locked" means without a special device such as a key or special information such as a combination. while any emergency exit door or window

An alarm cut-off or "squelch" control is prohibited.

chassis manufacturer (such as commonly used in inside lock(s) of the type installed by the On a van conversion, any rear cargo door

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cars - "push/pull" type) shall be made inoperable. locked and be inoperable from the inside or vibration, etc. cause the door to become The mechanism cannot, through jarring, outside.

Exception: No alarm is required for

roof hatches.

Exception: On a bus with chassis (incomplete operate while the emergency door is locked. The "Not Stop Engine" requirement applies earlier, the engine starting system may vehicle) manufactured in March 1977 or to every bus.

required on each bus with a lockable emergency 1974 or earlier, the "Not Fully Latched" alarm Exception: On a bus manufactured in August is optional. The "Door Locked" alarm is

REJECT VEHICLE IF:

Alarms do not alert driver as required. Locks do not meet requirements.

c) ENTRANCE DOOR

Requirements 1) Physical

PROCEDURES/SPECIFICATIONS:

Door shall be located to right of operator and Upper portions of door shall be safety glass or equivalent. Vertical closing edges shall be equipped with flexible material for a operated by an over-center control. proper seal and to prevent injury.

means other than the rub rail on the outside Each door on the right side of the vehicle, hinged or sliding, except the service door shall be made permanently inoperable by of the body.

REJECT VEHICLE IF:

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not function, control not accessible by driver. Binding or jamming is evident, malfunctions, over-ride device on power operated door does Door is missing, loose, or damaged. Rubber seal is missing or torn.

#### 2) Locks and Alarms

# PROCEDURES/SPECIFICATIONS:

installed on the bus, the system shall conform A service door lock is not required but if any type of service door locking system is to one of the following:

- of preventing the driver from easily and The locking system shall not be capable quickly opening the service door from inside the vehicle; or-A±)
- must alert the driver when the engine is running and the service door is locked. An alarm disconnect, "squelch control," alarm shall be audible and visible and preventing the bus driver from easily or other alarm defeating or weakening and quickly opening the service door shall include an audiovisual alarm. A locking system that is capable of device shall not be installed; or-B2)
- quickly opening the service door except when capable of locking more than one of at preventing the bus driver from easily and a person outside the bus uses a key that least 1000 of the door manufacturer's A locking system shall not be capable of locking systems. ପ

#### REJECT VEHICLE IF:

Bent, worn, or dislocated parts that would delay quick door release and opening are Locks and alarms do not meet requirements. present.

### d) EXHAUST SYSTEM

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### PROCEDURES/SPECIFICATIONS: 1) General

#### System shall have an outlet at its discharge end(s) conduct gas from an engine exhaust port (manifold) flexible component that contains exhaust gas shall to authorized exit point, including each sealing, 'Exhaust System" includes each component used to connecting, and supporting component. Exhaust system shall be outside body and attached to be of stainless steel. System shall not leak. not be reduced after it leaves muffler. Any chassis. Size of tail pipe tailpipe shall only.

#### REJECT VEHICLE IF:

### All parts of system are not securely fastened and supported.

# Any part of system is leaking or missing.

### Any part of system contains holes not made by manufacturers.

### PROCEDURES/SPECIFICATIONS: 2)±+ Shielding

Any flammable material, electrical insulation, containing exhaust gas shall be safeguarded containing fuel that is located within 11 brake hose, or fuel system component 13/16 inches (300 mm) of a component by a heat shield.

chassis or body component may provide required Exhaust system shall be shielded from either "standing on," except at discharge end. A accidental contact, "hitching to," or shield.

#### REJECT VEHICLE IF:

# Shielding is not present (if applicable).

powered engines that are located within four inches of a component containing exhaust gas Exception: Fuel system components on diesel shall be shielded.

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3)24 Discharge PROCEDURES/SPECIFICATIONS:

Gas shall not be directed towards a door or other opening into bus body. In addition, the discharge end, or ends, shall not be located in The exhaust system's discharge end (tail pipe) (tailpipe) shall be within .98 inch (25 mm) of bus side, rear, or rear corner. It than one inch past the bumper. Exhaust fumes must not extend past-a-side-rub-rail-or more any prohibited zone shown in Section 443.Illustration B.

REJECT VEHICLE IF:

Exhaust discharges into prohibited zones.

(See Illustration B.)

Exhaust system (tail pipe) does not discharge in proper location.

Tail pipe extends more than one inch past

the bumper.

Exhaust fumes are released towards a door or

other opening into bus body.

Ali-parts-of-system-are-not-securely-fastened and-supported-

Any-part-is-leaking,-missing,-or-patched;

Any-part-contains-holes-not-made-by

manufacturer-

PROCEDURES/SPECIFICATIONS:

e) FENDERS

Shall be properly braced and free from any

body attachment.

There shall be approximately one inch located between front fenders and back face to cowl.

REJECT VEHICLE IF:

Fenders are not solid or in bad condition.

Sharp edges are evident.

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Fenders are loose or protrude out.

effective Reg. 111. 22 at (Source: Amended ANG 07 1998

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Section 443.APPENDIX E Filter, Oil through Through Frame and Body

a) FILTER, OIL PROCEDURES/SPECIFICATIONS:

Replaceable element or cartridge type.

Minimum one-quart capacity.

REJECT VEHICLE IF:

Oil filter leaks or does not meet requirements.

b) FIRE EXTINGUISHER

PROCEDURES/SPECIFICATIONS:

Pressurized dry-chemical gauge type approved by Underwriters' Laboratories, Inc., rating of not less than 10 B.C. mounted in bracket and readily accessible. Sealed with a type of seal that will not interfere with operation. If stored in locked compartment, compartment extinguishers (10 B.C.) are approved.

REJECT VEHICLE IF:

Gauge does not indicate in the calibrated or marked "Full Charge" area. Seal is broken. Extinguisher is not mounted, not in a quick release holder or not <u>labeled</u> tabelled in compartment, if applicable. Improper rating. Missing.

c) FIRST AID KIT PROCEDURES/SPECIFICATIONS:

Kit shall be readily identifiable, removable, and mounted in readily accessible place in driver's compartment — either in full view or in specified secured compartment (see LOCKED COMPARTMENT). If not carried in compartment, the case shall be dust tight and substantially constructed of durable material. The contents shall include, but not be limited to the following:

Unit Type (Minimum Contents)

4" bandage compress - 1 package

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bandage compress - 1 package

bandage or adhesive compress - 1 package

40" triangle bandage with two safety pins - 1

Splint, wire or wood - 1

A tourniquet or any type of ointment, antiseptic, or other medicine shall not be included. OHSA approved blood-borne pathogen kits are permitted.

AGENCY NOTE:

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REJECT VEHICLE IF:

Kit is not complete. Dust or other visible dirt is present inside case. Minimum number of individual packages are not sealed. Medicine or tourniquet is present. Locked compartment containing kit is not <a href="Labelted">Labelted</a> imbelied</a>. Not mounted in readily accessible location. Missing.

d) FLOORS AND FLOOR COVERING

PROCEDURE/SPECIFICATIONS:

A plywood of 5/8 inch exterior BB grade or equivalent material shall be applied over the existing steel floor and securely fastened. Covering in underseat area shall be of fire resistant floor covering of type commonly used in passenger transportation equipment and shall have a minimum thickness of .125 inch. The floor covering in the aisle shall be nonskid, wear resistant, and flor covering shall have a minimum thickness.140 inch.

All floor coverings and metal floor stripping must be permanently bonded to the floor and must not crack when subjected to sudden changes in temperature. Bonding or adhesive material shall be waterproof. All seams must be sealed with waterproof sealer. All openings in floorboard or fire wall between

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chassis and passenger carrying compartment must be solid and sealed.

emergency brakes and interior engine covers Boots and seals around shift levers, and must be secure and solidly attached.

#### REJECT VEHICLE IF:

Holes or openings are present in floors, floor Abnormal wear and obstructions are present. covering, interior engine cover, or boots. attached or broken. Interior engine cover is not fastened securely. Floor or floor Metal floor stripping is not securely covering does not meet requirements.

### PROCEDURES/SPECIFICATIONS:

e) FRAME AND BODY

#### Visually inspect:

- entry of water, dust or fumes through the Body mounts shall be attached and sealed to the chassis cowl so as to prevent the joint between the chassis cowl and the body. 7
- Cross members and mounting bolts. 2)
- Engine mounting bolts. 3)
- Frame shall extend to rear of body cross member. 4)
- rear springs and not for the purpose of alterations are behind rear hanger or Frame extension is permitted when extending wheel base. 2)
- Collision damage which is detrimental to the safe operation of the vehicle. (9

#### REJECT VEHICLE IF:

Cracked, loose, missing bolts. Any repair done by welding body to frame, insulation strip missing. 1)

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- Loose, cracked, broken or missing. 2)
- Missing, loose.

3)

- Cracked, broken, bent, rusted to a depth welding except by body manufacturer. as to substantially weaken frame 4)
- Unless permitted, frame extends past wheel base. 2
- Collision damage which is detrimental to the safe operation of the vehicle. (9

effective Reg. 15 87 111. 22 AUG 0 7 1998 (Source: Amended

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Fuel Storage and Delivery System through Through Horn

#### a) FUEL STORAGE

Section 443.APPENDIX F

#### AND DELIVERY SYSTEM

### PROCEDURES/SPECIFICATIONS:

Entire fuel system, except extensions for driver control of air or fuel, must be outside passenger and driver compartment.

#### REJECT VEHICLE IF:

Any part of fuel system, except extensions for driver control of air or fuel, is within passenger/driver compartment.

#### 1) Fuel Filler

# PROCEDURES/SPECIFICATIONS:

Meets manufacturer's specifications. Must be the same as or equivalent to original equipment.

#### REJECT VEHICLE IF:

Fuel filler cap is defective or missing.

### PROCEDURES/SPECIFICATIONS: 2) Fuel Lines

standard shall govern separation and shielding Inside engine inches (300 mm) from any part of exhaust abrasion, or chafing. Must be 11 13/16 compartment, the chassis manufacturer's system that contains exhaust gas or be Firmly attached. No leakage, seepage, between parts designed by chassis safeguarded by a heat shield. manufacturer.

Exception: Fuel system components on diesel powered engines that are located within four inches of a component containing exhaust gas shall be shielded.

#### REJECT VEHICLE IF:

mounting, damaged, clamps missing, mount Fuel lines are cracked, leak, insecure

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clips missing or not separated or not shielded properly (if applicable).

### 3) Fuel Filler

## PROCEDURES/SPECIFICATIONS:

Check condition.

#### REJECT VEHICLE IF:

Fuel filler tube leaks or is not secure.

### PROCEDURES/SPECIFICATIONS: 4) Fuel Pump

Check condition.

REJECT VEHICLE IF:

# Fuel pump leaks, is damaged or is not secure.

#### PROCEDURES/SPECIFICATIONS: Tank(s) 5) Fuel

(49 filled, and vented entirely outside body. Must meet manufacturer's specifications. Minimum capacity of 24 gallons, mounted, CFR 571.301)

#### REJECT VEHICLE IF:

abrasion; hole or crack that would leak or Fuel tank(s) have leakage, seepage, or seep when tank is full.

#### PROCEDURES/SPECIFICATIONS: 6) Fuel tank mount(s)

Check condition.

#### REJECT VEHICLE IF:

Fuel tank mount(s) are cracked, loose, or bolts are missing.

#### PROCEDURES/SPECIFICATIONS: 7) Fuel tank straps

Check condition.

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#### REJECT VEHICLE IF:

Fuel tank straps are cracked, loose, or missing.

8) Alternate

Fuel Systems

(LPG or An alternate fuel system which is no longer CNG) in use must be completely from the bus.

A) Carburetion Equipment

A fuel filter is required on alternate fuel systems.

#### B) Container

Installation

- Compressed or liquefied gas containers shall not be mounted in the passenger or driver's compartment.
- ii) Container valves, appurentances and connections shall be mounted in an enclosed compartment.
- iii) Containers shall be located at least 36 inches from the entrance door and any emergency exit. Due to the smaller size of Type II school buses, space limitations may sometimes make it impossible to locate a fuel tank further than 36 inches from an exit.

  A Type II school bus has a gross vehicle weight rating of 10,000 pounds or less [625]

ILCS 5/12-800]
A-Type--II-school--bus--has-a-gross-vehicle
weight-rating-of-10,000--pounds--or--less as
defined in Section 12-800 of the Illinois
Vehicle Equipment Law [625 ILCS 5/12-800].

the original fuel tank for a Type II bus was located within 36 inches from any exit, the alternate fuel container may be located in the

same location as the original tank.

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#### C) Identification

The fuel identification decal (see Section 443.1llustration D 443.fltustration-B) shall be displayed near the rear bumper and visible from the rear of the vehicle. on-the-rear-of-the-school-bus-not-more than-12-inches-bove-the-top-of-the-rear bumper-and-within-39-inches-of-the-left side. The decal shall not be placed on any black portion of the bus body.

#### D) Pipe and Hose Installation

- No fuel supply line shall pass through the driver or passenger's compartment.
- ii) The pressure relief device shall be fabricated so that in the event of stress, the pipe or adaptor will break away without impairing the function of the relief valve.
- iii) If installed, the adaptor connecting the piping system to the pressure relief device shall neither touch nor restrict any movable part of the pressure relief valve.
- iv) The relief valve discharge piping system (piping system) must not be reduced at any point from the relief valve to the point of release into the atmosphere.
- v) The piping system shall be routed to minimize sharp elbows or bends.
  Installation of any commercially available piping installed to meet the manufacturer's specifications is acceptable. Any fittings that restrict the flow of discharge are prohibited. From the pressure relief device adaptor to the atmosphere, the minimum inside diameter of the piping must measure at least 3/4 of an inch.
- vi) The piping system shall neither block nor hamper the operation of any window

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preserve widths of passageways, aisles The piping system shall and emergency exits.

- be gas tight (except the outlet) and shall be able to withstand forces from the discharge when the relief valve is in full piping system must be capable of holding Every portion of the piping system shall open position. If for any reason the discharge outlet becomes blocked, the the full system pressure. vii)
- To facilitate the removal of accumulated waste, a drain cock shall be installed at result in discharged LPG flaming beneath if discharged through the relief valve. automatically to prevent expelling LPG A weep hole, or other opening that may system. The drain must be capable of being held open manually and close the lowest point of the piping the bus is prohibited. viii)
- leads upward to the atmosphere shall be of the bus, or in the body wall between the inner and outer "skins" of the bus The portion of the piping system that passenger compartment, on the outside installed either inside the ix)
- the vent window at the left front corner Piping on the outside of the body shall to." However, discharge piping that is be shielded below the window line to prevent "grabbing hold" or "hitching located between the windshield and of the body need not be shielded. ×
- passes through the floor or roof shall be Any portion of the piping system that is below the bus floor and exiting outside shall consist of one piece originating the bus roof. Every hole where piping installed either inside the passenger compartment or inside the body wall sealed. xi)

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- The piping system must terminate above the eave lines of the bus body. xii)
- xiii) The outlet of the piping system shall be similar device installed on or near the located at least 36 inches from the air roof. A "similar device" includes the system. It does not include a side inlet or outlet of a ventilator or window that opens near the roof. ventilating or air conditioning fresh air intake of a heating,
- be installed to minimize the entrance or A rain cap is required where the piping specifications is acceptable. The cap discharge piping. Installation of any shall remain in place except when the water or dirt while the vehicle is in The cap shall installed to meet the manufacturer's minimize water or dirt from entering system exits into the atmosphere to into either the relief valve or its commercially available rain cap relief valve operates. motion. xiv)
- education school bus shall conform to all The discharge piping system on a special provisions of this Part. xv)

#### REJECT VEHICLE IF:

properly installed. Alternate fuel system Propane relief valve/piping system is not does not meet requirements listed above.

#### b) GRAB HANDLES

- Not required. 1) Exterior
- PROCEDURES/SPECIFICATIONS: 2) Interior

inside doorway, solidly attached on left side, Shall be of stainless clad steel, installed and as long as practicable. ILLINOIS REGISTER

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As instructed by an officer of the Department, draw a 1/2 inch hexagon nut attached to a string through the junction where the grab handle attaches to the lower stepwell.

REJECT VEHICLE IF:

Missing or not solidly attached.

Nut becomes lodged on grab handle. (Retrofit kit is required.)

PROCEDURES/SPECIFICATIONS:

c) HEATERS

Must be capable of maintaining inside temperature of 50 degrees. The heater hoses shall be supported to guard against excessive wear due to vibration and shall not interfere with or restrict the operation of any engine function. Any hose in the passenger compartment shall be protected to prevent injury from burns in the event of rupture. Primary heater shall be a high output fresh air type. Heater must be padded if not protected by seat.

The secondary heater may be a recirculating type and located so as not to interfere with aisle space.

REJECT VEHICLE IF:

Heater is missing; in poor working condition; defective hoses, supports or baffles; not firmly attached or padded when required.

PROCEDURES/SPECIFICATIONS:

d) HOOD

Open hood and inspect safety catch and hinges for proper operation. Close hood and inspect for proper full closure. Manually inspect latches or remote control for proper operation.

REJECT VEHICLE IF:

Hood does not open or hood latches do not securely hold hood in its proper  $\operatorname{full}_{\gamma}\text{-closed}$ 

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position. Secondary or safety catch does not function properly. Hinge is broken, missing, or not attached to body.

PROCEDURES/SPECIFICATIONS:

e) HORN

Dual electric horns shall be provided giving an audible warning at a distance of 200 feet and shall be conveniently controlled from the operator's seated position. (Section 12-601 of the Illinois Vehicle Equipment Law)

REJECT VEHICLE IF:

Horn control is missing, defective or not audible.

(Source: Amended at 22 III. Reg. 100 11

effective

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Section 443.APPENDIX G Instruments and Instrument Panel through Through Locked Compartment

AND INSTRUMENT a) INSTRUMENTS

### PROCEDURES/SPECIFICATIONS:

illuminated instruments and gauges mounted for the seated driver. An indicator light instead Shall be equipped with the following nonglare easy maintenance and repair and in such a manner that each is clearly visible to of a pressure or temperature gauge is permissible. (49 CFR 571.101)

- Speedometer; 1
- Odometer; 5
- Fuel Gauge; 3
- Oil Pressure Gauge; 4)
- Water Temperature Gauge; 2)
- Ammeter (voltmeter) with graduated charge and discharge indications; (9
- High beam headlight indicator; 7)
- Directional signal indicator; 8
- Air pressure or vacuum gauge (when air or vacuum brakes are used); 6
- Eight light flasher indicator; 10)
- Emergency/Service Brake Indicator. 11)

#### REJECT VEHICLE IF:

Instrument and/or instrument panel does not operate properly; instruments are missing; inaccurate readings.

PROCEDURES/SPECIFICATIONS:

b) INSULATION

The ceiling and sidewalls shall be thermally

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insulated with a fire-resistant material which shall reduce the noise level and vibrations.

#### REJECT VEHICLE IF:

Insulation does not meet requirements.

#### c) LETTERING

### PROCEDURES/SPECIFICATIONS: Exterior

The body and chassis manufacturer's name, displayed (colorless or any color) on any emblem, or other identification may be unglazed surface of the bus.

city and state of its base and the interstate "MC" number. This lettering must be  $\,$ AGENCY NOTE: School buses with interstate authority may display the company's name. black in color.

#### REJECT VEHICLE IF:

required or allowed. Lettering is obstructed. Exterior lettering does not meet requirements. Lettering or decals are not distinct,

### PROCEDURES/SPECIFICATIONS: A) Front

must be black. (Section 12-802 of the Illinois body or sign attached thereto. Vehicle number "SCHOOL BUS" in black at least eight inches (200 mm) high placed as high as possible on located as high as practicable. Decals are minimum of four inches (100 mm) high and permissible permissable. All lettering assigned for identification shall be a Jehicle Equipment Law)

September 1974, may have roof mounted "SCHOOL Exception: All buses purchased prior to BUS" sign with flashing red lights.

#### REJECT VEHICLE IF:

Lettering does not meet requirements.

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Lettering is not distinct, required or allowed. Lettering is obstructed.

# B) Left PROCEDURES/SPECIFICATIONS:

Either the owner's name or the school district number or both must be at least four inches high, approximately centered and as high as practicable below window line. (Section 12-802 of the Illinois Vehicle Equipment Law). The above required lettering must be located on one line.

If bus is equipped with a side emergency door, it must be labeled tabelled "EMERGENCY
EXIT" in letters at least two inches high at the top of the emergency door, or directly above, or on the door glazing.

Optional: Vehicle number assigned for identification may be displayed at a minimum height of four inches (100 mm).

Decals are permissible. All lettering must be black.

For buses manufactured on or after May 2, 1994, "EMERGENCY DOOR" in letters at least 1.95 inches (5 cm) high must be located at the top of, or directly above, any emergency window exit, "EMERGENCY EXIT" must be located at the top of, or directly above, or at the bottom of the emergency window exit in letters at least 1.95 inches (5 cm) high. The labeling abelity must be of a color that contrasts with its background. [47 CFR 571.217]

#### REJECT VEHICLE IF:

Lettering does not meet requirements. Lettering is not distinct, required, or allowed. Lettering is obstructed.

## PROCEDURES/SPECIFICATIONS:

C) Rear

"SCHOOL BUS" in black lettering at least eight

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inches (200 mm) high placed as high as possible on body or sign attached thereto. (Section 12-802 of the Illinois Vehicle Equipment Law) "EMERGENCY DOOR" or "EMERGENCY EXIT" in lettering at least two inches high at top of emergency door, or directly above, or on door glazing.

"EMERGENCY EXIT" (for buses without rear emergency door) in letters at least two inches high directly below rear emergency window, or on exit glazing. An arrow, at width indicating direction each release mechanism should be turned to open door or window located within 5.9 inches of release handle, in black. Vehicle number assigned for identification shall be a minimum 4 inches (100 mm) high. Decals are permissible. All lettering must be black.

If bus uses alternate fuel (e.g., propane, CNG), vehicle must be marked with identifying decal. Such decal shall be diamond shaped with white or silver socichlite letters one inch in height and a stroke of the brush at least 1/4 inch wide on a black background with a white or silver societhlite border bearing either the words or streams.

"PROPANE" = If propelled by liquefied petroleum gas other than liquefied natural gas; or

"CNO" = If propelled by compressed natural gas. The sign or decal shall be maintained in good legible condition.

The alternate fuel decal shall be displayed near the rear bumper and visible from the rear of vehicle. (See Section 443.Appendix <u>F</u> 6(a)(8) and Section 443.Illustration <u>D</u>) (Section 12-704.3 of the Illinois Vehicle Equipment Law)

Exception: In case of "push" or "pull" type of release mechanism where the direction of

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movement to open emergency exit cannot be shown by one arrow, either three or four straight arrows shall be placed equally spaced as practicable around the object to be pushed or pulled, with the head of each arrow adjacent to and pointing directly at that object. Each arrow shall be the same color and, when practicable, the same size as though it were a single arrow. In addition, the pertinent word "push" or "publ" shall be displayed near that object.

If adequate space is not available in required positions for emergency door lettering, lettering may be immediately below window level.

AGENCY NOTE:

For buses manufactured on or after May 2, 1994, "EMERGENCY DOOR" in letters at least 1.95 inches (5 cm) high must be located at the top of, or directly above, any emergency exit door. For any emergency window exit, "EMERGENCY EXIT" must be located at the top of, or directly above, or at the bottom of the emergency window exit in letters at least 1.95 inches (5 cm) high. The labeling lebelting must be of a color that contrasts thin its background. [49 CFR 571.217]

#### REJECT VEHICLE IF:

Lettering does not meet requirements.

Lettering or arrows are not distinct, required, or allowed. Lettering is obstructed.

Buses using alternate fuels are not properly marked with decal. Decal is in wrong location.

## PROCEDURES/SPECIFICATIONS:

D) Right

Bither the owner's name or the school district number or both must be at least four inches high, approximately centered and as high as practicable below the window line. (Section 12-802 of the Illinois Vehicle

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Equipment Law) The above required lettering must be located on one line.

The following lettering must be at least two inches high:

- it) The word "CAPACITY," or the abbreviation "CAP.," and the rated passenger capacity followed by the word "PASSENGERS," or the abbreviation "PASS.," shall be displayed on the outside of the body near the rear edge of the service entrance.
- <u>ii</u>2) Empty weight in pounds shall be shown on bus. (Section 12-802 of the Illinois Vehicle Equipment Law)

Manufacturer's identification name, emblem, or number(s) may be displayed but not on service door glazing. Manufacturer's name, emblem, etc. must not interfere with required lettering. Decals are permissible permissable. All lettering must be black.

Optional-route-identification-markers-(numbers or-symbols)-are-altowed--They-must-be tocated-in-either-the-first-window-or-on-the bus-body-directly-behind-the-service-entrance doory---Route-markers-affixed-to-the-bus-body must-meet-paint-requirements-and-must-not obstruct-any-required-lettering-

For buses manufactured on or after May 2, 1994, "EMERGENCY DOOR" in letters at least 1.95 inches (5 cm) high must be located at the top of, or directly above, any emergency exit door. For any emergency window exit "EMERGENCY EXIT" must be located at the top of, or directly above, or at the bottom of the emergency window exit in letters at least 1.95 inches (5 cm) high. The <u>labeling</u> tabeling must be of a color that contrasts with its background. (49 CFR 571.217)

#### REJECT VEHICLE IF:

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Lettering does not meet requirements.
Lettering or decals are not distinct, required, or allowed. Lettering is obstructed.

#### 2) Interior

# A) Front PROCEDURES/SPECIFICATIONS:

Each letter or numeral must be at least two inches (50 mm) high and contrasting sharply with its background. A colorless background strip (such as white, aluminum or silver) may be used. Decals are permitted.

On right side: Either "CAPACITY" or "CAP." plus numerals showing rated passenger capacity, followed by either "PASSENGER" or "PASS."

As nearly as practicable opposite the center of aisle, but to right of inside mirror, either "NO STANDEES" or "NO STANDEES PERMITTED."

The vehicle's length (rounded up to the nearest whole foot) shall be displayed on the bulkhead clearly within the driver's view. (For example: vehicle length of 39.1 feet will be displayed as 40 feet.)

A red cross formed of five equal squares with words "FIRST-AID KIT" shall be displayed on the compartment door, or cover, if the first-aid kit is to be carried in the locked compartment.

The words "FIRE EXTINGUISHER" shall be displayed on the compartment door, or cover, if the fire extinguisher is to be carried in the locked compartment.

Exception: On a bus with chassis (incomplete vehicle) manufactured in March 1977 or earlier, "NO STANDEES" need not be opposite center of aisle and the word "PASSENGERS," or "PASS.," is optional.

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#### REJECT VEHICLE IF:

Lettering does not meet requirements. Lettering is not black, distinct, required or allowed.

# After January 1, 1999, vehicle length is not displayed properly or is absent.

# B) Left PROCEDURES/SPECIFICATIONS:

A "Stop Line" in contrasting color is required between 5.9 and 6.1 inches below the top of the window opening. The line shall be located between each window that slides downward.

If bus is equipped with a side emergency door it is to be <u>labeled</u> tabelled "EMERGENCY EXIT" in letters at least two inches high directly above the door.

If bus is equipped with side emergency windows, they are to be <u>labeled</u> tabelled "EMERGENCY EXIT" in letters at least two inches high directly below the window.

An arrow indicating the direction in which to move release mechanism handle(s) to open emergency exit and operating instructions shall be painted or permanently affixed within six inches of each release handle.

For buses manufactured on or after May 2, 1994, "EMERGENCY DOOR" in letters at least 1.95 inches (5 cm) high must be located at the top of, or directly above, any emergency exit door. For any emergency window exit, "EMERGENCY EXIT" must be located at the top of, or directly above, or at the bottom of the emergency window exit in letters at least 1.95 inches (5 cm) high. The <u>labeling</u> tabeling hust be of a color that contrasts with its background. Concise operating instructions describing the motions necessary to unlatch and open the door must be located within 5.85 inches (15 cm) of the release mechanism on the inside surface of

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the bus. These operating instructions shall be in letters at least least .39 inches (1 cm) high and of a color that contrasts with its background. (49 CFR 571.217) (57-FR 494137-November-27.1992)

#### REJECT VEHICLE IF:

Lettering does not meet requirements. Line or line and lettering is not distinct, required, or allowed.

# C) Rear PROCEDURES/SPECIFICATIONS:

"EMERGENCY DOOR" in letters at least two inches high directly over emergency door exit. "Emergency door operating instructions" applied to door. Arrow or arrows required unless "push or pull" type of release mechanism is used.

In the case of a "push" or "pull" type of release mechanism where the direction of movement to open the emergency exit cannot be shown by one arrow, either three or four straight arrows shall be placed as equally spaced as practicable around the object to be pushed or pulled, with the head of each arrow adjacent to and pointing directly at that object. Each arrow shall be the same color and, when practicable, the same size as though it were a single arrow. In addition, the pertinent word "push" or "pull" shall be displayed near that object.

For buses manufactured on or after May 2, 1994, "EMERGENCY DOOR" in letters at least 1.95 inches (5 cm) high must be located at the top of, or directly above, any emergency sext door. For any emergency window exit, "EMERGENCY EXIT" must be located at the top of, or directly above, or at the bottom of the emergency window exit in letters at least 1.95 inches (5 cm) high. The labeling labeling labeling must be of a color that contrasts with its background. Concise operating with its background. Concise operating to unlatch and open the door must be located

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within 5.85 inches (15 cm) of the release mechanism on the inside surface of the bus. These operating instructions shall be in letters at least .39 inches (1 cm) high and of a color that contrasts with its background. (49 CFR 571.217) (57-FR-494137 November-27-1992)

#### REJECT VEHICLE IF:

Lettering does not meet requirements. Lettering is not distinct, required, or allowed.

# D) Right PROCEDURES/SPECIFICATIONS:

A "Stop Line" in contrasting color is required between 5.9 and 6.1 inches below the top of the window opening. The line shall be located between each window that slides downward. Decals are permitted.

"EMERGENCY EXIT" shall be on or immediately below emergency window (if installed).

Instructions for emergency operation of a power operated door shall be affixed permanently on the inside of the door in letters at least .5 inch high. Decals are permitted.

Optional route identification markers (numbers or symbols) are allowed. They must be located in either the first window or-on-the bus-body directly behind the service entrance door. If route identification markers are installed in permanent holder or bracket, the holder or bracket must have rounded edges or be padded.

For buses manufactured on or after May 2, 1994, "EMERGENCY DOOR" in letters at least 1.95 inches (5 cm) high must be located at the top of, or directly above, any side emergency door. For any emergency window exit "EMERGENCY EXIT" in letters at least 1.95 inches (5 cm) high must be located at the top of, or directly above, or at the

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bottom of the emergency window exit. The labeling tebelling must be of a color that contrasts with its background. Concise operating instructions describing the motions necessary to unlatch and open the exit must be located within 5.85 inches (15 cm) of the release mechanism on the inside surface of the bus. These instructions shall be in letters at least .39 inches (1 cm) high and of a color that contrasts with its background. (4 cm) exember 27-1992)

#### REJECT VEHICLE IF:

Lettering does not meet requirements. Line or line and lettering is not distinct, required, or allowed. Lettering is obstructed.

# E) Ceiling PROCEDURES/SPECIFICATIONS

These instructions shall be in letters at least an inside surface of the exit, or within 11.7 Concise operating instructions describing the emergency exit shall be located within 5.85 .39 inches (1 cm) high and of a color that motions necessary to unlatch and open the least 1.95 inches (5 cm) high, of a color For buses manufactured on or after May 2, inches (30 cm) of the roof exit opening. inches (15 cm) of the release mechanism. tabetted "EMERGENCY EXIT" in letters at labeling tabelting must be located on that contrasts with its background. 1994, any roof exit must be labeled contrasts with its background. (49 CFR 571.217) <del>(57-FR-494137</del> November-27-1992}

#### REJECT VEHICLE IF:

Lettering does not meet requirements.

#### d) LIGHTS

PROCEDURES/SPECIFICATIONS:

1) Back Up

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Two white lights shall be provided. Must meet federal standards. (49 CFR 571.108)

Exception: All buses purchased prior to September 1974 are exempt; however, for any unit equipped with back up lamps, they must be operational.

#### REJECT VEHICLE IF:

Back up lights do not function; illegal color; broken lens.

# 2) Clearance, PROCEDURES/SPECIFICATIONS:

Two clearance lights (amber) at highest and widest portions of the body. Must conform to federal standards. [49 CFR 571.108] May be combined with side marker lamp.

Exception: Buses less than 80 inches wide or 25 feet long are exempt. Buses-less than-80-inches-wide-or-20-feet-long-are-exempt: (Section 12-202(a) of the Illinois Vehicle Equipment Law)

#### REJECT VEHICLE IF:

Front clearance lights do not function; improper color; broken lens.

#### 3) Clearance,

Rear

Two clearance lights (red) mounted at highest and widest parts of body. Must conform to federal standards. [49 CFR 571.108]

PROCEDURES/SPECIFICATIONS:

Exception: Buses less than 80 inches wide are exempt. (49 CFR 571.108) Buses tess-than-00-inches-wide-or-20-feet-long are-exempt:-{Section-12-202(a)-of-the-Illinois Vehicle-Equipment-baw}

#### REJECT VEHICLE IF:

Rear clearance lights do not function;

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improper color; broken lens.

### 4) Identification,

## PROCEDURES/SPECIFICATIONS:

149 CFR Three amber lights mounted at center front near top of body above "SCHOOL BUS" sign. Must conform to federal standards. [49 C] 571,108)

are-exempt-(Section-12-202(a)-of-the-Illinois Exception: Buses less than 80 inches wide less-than-88-inches-wide-or-28-feet-long (49 CFR 571.108) Buses Vehicle-Equipment-baw)

#### REJECT VEHICLE IF:

Front cluster lights do not function properly; improper color; broken lens.

### 5) Identification,

PROCEDURES/SPECIFICATIONS:

top of body either above or below "SCHOOL BUS" Three red lights mounted at center rear near sign. Must conform to federal standards. (49 CFR 571.108)

12-202(a) of the Illinois Vehicle Equipment Law) Exception: Buses less than 80 inches wide or 25 2θ feet long are exempt.

#### REJECT VEHICLE IF:

Rear cluster lights do not function properly; improper color; broken lens.

#### 6) Flashing

### PROCEDURES/SPECIFICATIONS: Lights

All school buses purchased-after-December-31, 1975, shall be equipped with an eight light flashing signal system with two red and two rear of the vehicle shall be equipped with windshield spaced no less than three feet amber flashing signal lamps mounted above apart and at same horizontal level. The

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(Section 12-805 of the Illinois Vehicle Equipment equipped-with-the-eight-light-flashing-signal apart and at same horizontal level. Minimum diameter 5 1/2 inches sealed beam. Bffective Becember-31,-1978,-all-school-buses-shall-be two red and two amber flashing signal lamps mounted and spaced no less than three feet system-described-in-the-above-paragraph:

yellow lights must be located between the The red lights shall be located on the outside perimeters of the bus and the red lights towards the center. A separate circuit breaker and a master switch shall be provided for this signal system. When in its "off" position this master switch shall prevent the following:

- Operation of the 8 lamp system; <u>A</u>±)
- Operation of any lamps mounted on the stop signal arm; and B2)
- Operation of any electrically controlled mechanism that would cause the stop signal arm to extend. (<del>6</del>)

signals, the stop signal arm and the service entrance door shall be arranged so as to The controls for the eight lamp flashing operations while the engine is running. provide for the following sequence of

- alternately flashing signal system hand position. Close and secure the service flashing signal lamps of either yellow Place the alternately flashing signal (amber) or red color shall not go on. or foot control. The alternately system master switch in its "off" entrance door. Actuate the A+)
- With the master switch "off" and the hand service door. The alternately flashing signals of either color shall not go on or foot control actuated, open the B2)

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and the stop signal arm shall not extend.

- Deactivate the hand or foot control.
  Place the alternately flashing signal system master switch in its "on" position. Close and secure the service door. Open the service door. The alternately flashing signal lamps of either color shall not go on and stop signal arm shall not extend.
- D4) Close and secure the service door.
  Actuate the alternately flashing signal system by hand or foot control. A yellow pilot lamp in the view of the driver and the yellow alternately flashing signals shall go on.
- Desecure but do not open the service door. The yellow pilot and the yellow alternately flashing signals shall go off. A red pilot lamp in the view of the driver and the red alternately flashing signals shall go on. The stop signal arm shall extend.
- Fully open the service door. The red pilot and red signals shall remain on and the stop arm shall remain extended.
- G9) Close but do not secure the service door.
  The red pilot and red signals shall remain on and the stop arm shall remain extended.
- Hθ) Open the service door. The red pilot and red signals shall remain on and the stop arm remain extended.
- 19) Close and secure the service door. The red pilot and red signals shall go off and the stop arm shall retract.
- J+0) Open the service door. Alternately flashing signals of either color shall not go on and the stop arm shall not extend.

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#### REJECT VEHICLE IF:

Flashing lights do not function properly; broken lens or improper lens color. Pilot lights do not function.

# 7) Headlights PROCEDURES/SPECIFICATIONS:

Shall have at least two headlamps with at least one mounted on each side of the front of the bus. Lamp body must be securely attached. Lenses, reflectors, bulbs, etc., must be in good condition, properly aimed and fill required intensity. Check for bulb burnout. Verify high and low beams are functioning. Shall conform to federal standards. (49 CFR 571.108)

### REJECT VEHICLE IF:

Headlights do not meet requirements. High beam/low beam do not function.

# 8) Interior PROCEDURES/SPECIFICATIONS:

Adequate to illuminate aisles, step well, and emergency passageways.

### REJECT VEHICLE IF:

Interior lights do not provide adequate lighting; cracked or broken lenses; improper color.

# 9) License PROCEDURES/SPECIFICATIONS:

Adequate white light to illuminate license plate. (49 CFR 571.108) May be combined with one of the tail lights.

#### REJECT VEHICLE IF:

License plate light does not provide adequate lighting; cracked or broken lenses; improper color.

10) Parking

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## PROCEDURES/SPECIFICATIONS:

Lights

#### Shall be one lamp on each side; white or amber (49 CFR 571,108) color.

lights. However, if vehicle is equipped with clearance lamps, and intermediate side marker All buses 80 or more inches in overall width which are equipped with side marker lamps, parking lights, they must be operational. (49 CFR 571.108) (Section-12-202-of-the lamps are exempt from having parking Ellinois-Vehicle-Equipment-bawy

#### REJECT VEHICLE IF:

Parking lights do not meet requirements; improper color; cracked or broken lenses.

#### 11) Sidemarker,

#### conform to federal standards. (49 CFR 571.108) Two lamps: one amber at front and one red at rear, mounted as high as practicable. Shall PROCEDURES/SPECIFICATIONS:

Exception: A bus manufactured in August 1974 or earlier is exempt. Buses-less-than-80-inches-wide-or-20-feet-long are-exempt:--(Section-12-202(a)-of-the Fllinois-Vehicle-Equipment-baw)

#### REJECT VEHICLE IF:

Left marker lights do not meet requirements; do not function properly; improper color; cracked or broken lenses.

#### 12) Sidemarker,

# PROCEDURES/SPECIFICATIONS:

conform to federal standards. (49 CFR 571.108) Two lamps: one amber at front and one red at rear, mounted as high as practicable.

Exception: A bus manufactured in August 1974 or earlier is exempt.

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Buses-less-than-80-inches-wide-or-20-feet-long are-exempt: (Section-12-202(a)-of-the £±±±nois-Vehicle-Equipment-baw}

#### REJECT VEHICLE IF:

Right marker lights do not meet requirements; improper color; cracked or broken lenses.

### PROCEDURES/SPECIFICATIONS: 13) Step Well

be automatically illuminated with white light steps and the floor around the stepwell shall At least the nosings of the service entrance when the ignition is on and the service door

through the service entrance and looking at No lamp shall be installed so as to shine directly into the eyes of a pupil moving the service steps. Exception: On a bus with chassis (incomplete illuminate all the step nosings or does not illuminate the floor around the service earlier, a stepwell light that does not vehicle) manufactured in March 1977 or entranceway may be used.

#### REJECT VEHICLE IF:

Step well light does not meet requirements; improper color; cracked or broken lenses.

## PROCEDURES/SPECIFICATIONS:

14) Stop

high as practicable below window line. Seven Two red lights mounted at same height and as Must conform to federal standards. (49 CFR inch minimum diameter or 19 square inches. Not less than three feet apart laterally.

For buses manufactured on or after September 1, 1993 with an overall width of less than 80 inches, a high mounted stop lamp is required (may be two lamps).

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#### REJECT VEHICLE IF:

Stop lights do not meet requirements; improper color; cracked or broken lenses; do not function properly.

#### PROCEDURES/SPECIFICATIONS: (optional) 15) Strobe

If installed, lamp must comply with following

requirements:

- One per bus; A+)
- Shall emit white or bluish/white light; B2)
- Shall be visible from any direction; (E)
- Shall flash 60 to 120 times per minute; D4)
- Shall be visible in normal sunlight; E2)
- (Section 12-815 of the Illinois Vehicle Mounted at or behind center of rooftop and equal distance from each side. Equipment Law) F6)

measuring height of filament and multiplying  $\mathbf{F}$ ±iament height x 30 = distance from rear of bus where lamp is to be located). Distance from rear will be calculated by same by 30 inches: (i.e., filament

#### REJECT VEHICLE IF:

installation requirements; does not function properly; improper color; cracked or broken If installed, strobe does not meet

Shielding is present.

### PROCEDURES/SPECIFICATIONS: 16) Tail

surface on which vehicle stands. Must conform Two red lights mounted with centers not less than 40 inches nor more than 50 inches from to federal standards. [49 CFR 571.108]

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#### REJECT VEHICLE IF:

function properly; improper color; cracked or Tail lights do not meet requirements; do not broken lenses.

#### Signal, 17) Turn

#### Left

(armored)

#### amber clearance lamp mounted behind driver's seat. Functions with regular turn signal, "Armored" Flush-mounted-uarmored type

PROCEDURES/SPECIFICATIONS:

September 1974 are exempt from having left Exception: All buses purchased prior armored turn signals.

less than 33 passengers are exempt. Buses manufactured in August 1974 or earlier are Exceptions: Buses with capacity rating of exempt. Buses that measure less than 80 inches wide or 20 feet long are exempt.

#### REJECT VEHICLE IF:

Left turn signal does not meet requirements; does not function properly; improper color; cracked or broken lenses.

#### Signal, 18) Turn

### PROCEDURES/SPECIFICATIONS: (armored)

seat level and rub rail height just to rear of amber clearance lamp mounted at approximately service door. Functions with regular turn "Armored" Flush-mounted-uarmored" type signal lamps.

September 1974 are exempt from having right Exception: All buses purchased prior to armored turn signals.

less than 33 passengers are exempt. Buses Exceptions: Buses with capacity rating of

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manufactured in August 1974 or earlier are exempt. Buses that measure, less than 80 inches wide or 20 feet long are exempt.

#### REJECT VEHICLE IF:

Right turn signal does not meet requirements; does not function properly; improper color; cracked or broken lenses.

> Signal, Front 19) Turn

### PROCEDURES/SPECIFICATIONS:

near the front, at the same height and as far apart as practicable. Must meet federal One amber or white lens on each side, at or standard 49 CFR 571.108.

hazards to check performance of front and Operate turn signals and four-way warning rear lights.

#### REJECT VEHICLE IF:

Front turn signal does not meet requirements; does not function properly; improper color; cracked or broken lenses.

Four-way warning hazards do not operate properly.

> Signal, 20) Turn

## PROCEDURES/SPECIFICATIONS:

Rear

One red or amber lens on each side at the same below window. Must meet federal standard 49 height and as far apart as practicable CFR 571.108.

#### REJECT VEHICLE IF:

Rear turn signal does not meet requirements; improper color; does not function properly; cracked or broken lenses.

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PROCEDURES/SPECIFICATIONS:

COMPARTMENT

automatic warning signal that will alert driver when provided the locking device is connected with an Fire extinguisher, first-aid kit, and warning compartment is locked. The automatic alarm unlocked compartment or under lock and key, compartment is locked and cannot be readily combination. An alarm cut-off or "squelch" devices may be stored either in a closed, seated driver. The alarm shall alert the driver when the engine is running and the shall be both audible and visible to the opened without using a tool, key, or control is prohibited.

Each safety item inside the compartment shall displayed on the cover when the first aid kit be named on the outside of the compartment cover, or door. In addition, a RED CROSS formed of five equal squares shall be is inside the compartment. Exception: A bus with chassis manufactured in March 1977 or earlier need not have a visible alarm.

#### REJECT VEHICLE IF:

Locked compartment is not readily accessible missing; alarm does not function properly when compartment is locked and vehicle is to driver; lettering or identification running.

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# Section 443.APPENDIX H Mirrors through Through Rub Rails

### a) MIRRORS

## PROCEDURES/SPECIFICATIONS:

material protected from abrasion, scratching, installed on stable supports so as to give a Every required mirror shall be of reflecting Mirrors must meet all requirements of 49 CFR 571.111 to give-and-maintain-its-required-field-of Mirror shall be firmly provide the required field of view. Mirrors-shall-be-adjustable-so-as-to clear, stable, reflected view. and corrosion.

view and size requirements established in this Convex crossover mirrors can be combined with provided the convex mirror meets the field of either the right or left side safety mirrors subsection or in 49 CFR 571.111.

#### REJECT VEHICLE IF:

Mirrors do not meet requirements; defective; securely attached; cracked or broken glass. excessively clouded; not-adjustable; not

#### 1) Exterior

#### A) Rear

#### Driving View

PROCEDURES/SPECIFICATIONS:

Shall be mounted outside on the left and right of usable flat rectangular reflecting surface driver a view to the rear along each side of the bus. Must be at least 50 square inches sides of the bus. Must give seated on each side. (49 CFR 571.111)

provide the required field of view, a convex the driving view to the rear. However, the driving mirror must be installed to expand rectangular and must maintain at least 50 If the rear view driving mirror does not usable flat reflecting surface must be square inches.

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#### REJECT VEHICLE IF:

requirments; defective; excessively clouded; not adjustable; not securely attached; Rear view driving mirror does not meet cracked or broken glass.

#### B) Right Side

## PROCEDURES/SPECIFICATIONS:

Safety

combination with the crossover mirror system, between the most forward surface of the right An outside convex mirror, either alone or in bumper. The projected reflecting surface of shall give the seated driver a view of the this convex mirror shall be at least 40 square inches (7 1/8 inches diameter if a roadway along the right side of the bus front tire and the rear of the rear circle).

Extra-wide-angle convex mirror heads are permissible on right front corner only. Exception: A right safety mirror is optional on a bus manufactured in August 1974 or earlier.

#### REJECT VEHICLE IF:

requirements; defective; excessively clouded; Right side safety mirror does not meet not-adjustable; not securely attached; cracked or broken glass.

#### Side C) Left

#### Safety

### PROCEDURES/SPECIFICATIONS: (Optional)

seated driver a reflected view of the roadway bumper. The convex mirror shall be installed view driving mirror system does not give the A convex mirror is required if the left rear along the left side of the bus between the forward position) and the rear of the rear front edge of the driver's seat (in most

## NOTICE OF ADOPTED AMENDMENTS

the rear view driving mirror gives the seated so that either alone or in combination with driver the proper view.

Exception: A left safety mirror is optional on a bus with chassis manufactured in March 1977 or earlier.

#### REJECT VEHICLE IF:

Left side safety mirror does not meet requirements; defective; excessively clouded; not-adjustable; not securely attached; cracked or broken glass.

### PROCEDURES/SPECIFICATIONS: D) Crossover

An outside convex mirror shall give the seated mirror shall be at least 40 square inches (7 1/8 inch diameter if a circle). (49 CFR driver a view of the front bumper and the area of roadway in front of the bus. The projected reflecting surface of this

Exception: If the seated driver of a forward control bus has a direct view of the front bumper and the area of roadway in front of the bus, a crossover mirror is optional.

#### REJECT VEHICLE IF:

adjustable; not securely attached; cracked or Crossover mirror does not meet requirements; defective; excessively clouded; not broken glass.

## PROCEDURES/SPECIFICATIONS:

2) Interior

All buses purchased during and after September 1974 must have a clear view safety glass þe Shall afford a good view of the rounded corners and edges which shall mirror, metal backed and framed with interior and roadway to the rear.

All buses purchased prior to September 1974 must have a rear view mirror.

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#### REJECT VEHICLE IF:

defective; excessively clouded; not adjustable; not securely attached; cracked or Interior mirror does not meet requirements; broken glass.

#### REQUIREMENTS b) PAINT

### PROCEDURES/SPECIFICATIONS:

Yellow. Required rub rail and lettering must be black. Additional rub rails may either be Grilles and hub caps may be a bright The exterior of the body, excluding required The front and rear bumpers rub rail and lettering, shall be painted a uniform color: National School Bus Glossy and wheels may be black or manufacturer's finish (chrome, anodized aluminum, etc.). Roofs may be white. (Section 12-801 of the Illinois Vehicle Equipment Law) black or yellow. colors.

retroreflective tape can be located on the rear bumper provided the space between the top of the exterior surface of the bus. Required yellow 1994, each opening for a required emergency perimeter with a minimum 1 inch (2.54 cm.) yellow retroreflective tape must be on the For buses manufactured on or after May 2, exit must be outlined around its outside This bumper and bottom of the door is not wide yellow retroreflective tape.

adequate to accommodate the tape. (49 CFR 571.217) <del>(57-FR-494137</del>

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caps shall remain National School Bus Glossy sides of the body. The front and rear roof within 6 inches above the drip rails on the Optional: A white roof may extend only to

is permitted. Black area must not interfere Optional: Black area around flashing lights with "SCHOOL BUS" lettering.

Optional: Reflectorized tape is permitted provided it reflects the same color that is

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applied to and cannot be located on any bumper unless the bus was manufactured on or after May 2, 1994 (see above paragraph). Exception: Hoods may be lusterless black or lusterless school bus yellow.

#### REJECT VEHICLE IF:

Paint does not meet color requirements; paint in poor condition (i.e., faded, peeling or rusted). Optional black area around flashers interferes with required lettering.

Optional or required reflectorized tape does not meet color requirements or-is located-on-the-bumper.

#### c) PROJECTIONS

### PROCEDURES/SPECIFICATIONS: 1) Exterior

Entire rear of bus must be nonhitchable.

projections. Every school bus, however, must 1978 or earlier is exempt from nonhitchable bumpers. A bus manufactured in August 1974 Exceptions: A bus manufactured in October or earlier is exempt from nonhitchable have a nonhitchable door handle.

#### REJECT VEHICLE IF:

Exterior projections do not comply with nonhitchable projection requirements.

### PROCEDURES/SPECIFICATIONS: 2) Interior

Interior shall be free of all dangerous projections.

is located in the bulkhead area of the bus and Optional equipment (e.g., video camera) that not flush with the interior walls must meet the following requirements:

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- Must not interfere with occupant's entering or exiting the bus. At)
- Must not be located in driver's head impact zone. B2)
- Must not obstruct required lettering, (e)

lining of ceiling and walls. Installation speakers, air conditioners) <u>located</u> within 59 inches from the floor in-the Additional projections (e.g., external prevent injury. This includes inner head-impact-zone shall be padded to of book racks is not permissible.

they shall be above side windows and shall not must be free of projections likely to cause racks. However, if book racks are present, across or above the emergency door. Racks Exception: All buses purchased prior to September 1974 may be equipped with book extend forward of the front seat or injury.

September 1974 are exempt from padding on Exception: All buses purchased prior to interior projections.

#### REJECT VEHICLE IF:

Optional equipment in bulkhead does not meet requirements. Remaining interior projections are not padded (e.g., external speakers). Book racks present. Flush mounted speakers are exempt from padding requirements.

For buses purchased prior to September 1974, book racks do not meet requirements.

#### d) REFLECTORS

### 1) Front

### PROCEDURES/SPECIFICATIONS:

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bracket, or any other portion of the bus. No March 1977 or earlier). The reflector may be DOT, SAE A, or SAE J 594; otherwise, it shall reflecting material (about 3 inch diameter if 12-202 of the Illinois Vehicle Equipment Law) and as far forward as practicable. (Section part of the required reflecting material may inches on a bus with chassis manufactured in reflex reflectors shall be attached securely be more than 11.8 inches (300 mm) inboard of may be any size if permanently marked either any shape (e.g., square, rectangle, circle, Two yellow rigid or sheet type (tape) front material may be obscured by a lamp, mirror, oval, etc.). A rigid type reflex reflector the outer edge of the nearest rub rail (12 the outer edge of the maximum width of the inches above the roadway at either fender, cowl, or body and installed so as to mark bus. No part of the required reflecting They shall be located between 15 and 60 display at least seven square inches of a solid circle).

A sheet type (tape) reflex reflector may conform to the surface on which it is installed but its forward projected reflecting area shall be at least eight square inches.

Exception: Buses that measure 80 inches wide or less or that measure 25 feet long or less are exempt. (Section 12-202(a) of the Illinois Vehicle Equipment Law)

#### REJECT VEHICLE IF:

Missing or damaged reflective material; not located or positioned as required.

# 2) Left Side PROCEDURES/SPECIFICATIONS:

One amber at or near the front and one red at or near the rear. Nounted at a height not less than 15 inches and not more than 60 inches above the surface of the road. On sides of buses 20 feet or more in length, one amber as near center as practicable must

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also be provided. (Section 12-202 of the Illinois Vehicle Equipment Law) Minimum three inches in diameter.

#### REJECT VEHICLE IF:

Missing or damaged reflective material; not located or positioned as required.

# 3) Right Side PROCEDURES/SPECIFICATIONS:

One amber at or near the front and one red at or near the rear. Mounted at a height not less than 15 inches and not more than 60 inches above the surface of the road. On sides of buses 20 feet or more in length, one amber as near center as practicable must also be provided. (Section 12-202 of the illinois Vehicle Equipment Law) Minimum three inches in diameter.

#### REJECT VEHICLE IF:

Missing or damaged reflective material; not located or positioned as required.

# 4) Rear PROCEDURES/SPECIFICATIONS:

Two red reflectors on rear body within 12 inches of lower right and lower left corners. (Section 12-202 of the Illinois Vehicle Equipment Law) Minimum three inches in

Exception: Buses that measure 80 inches wide or less or that measure 25 feet long or less are exempt. (Section 12-202(a) of the Illinois Vehicle Equipment Law)

#### REJECT VEHICLE IF:

Missing or damaged reflective material; not located or positioned as required.

## PROCEDURES/SPECIFICATIONS:

e) RUB RAILS

There shall be one rub rail located approximately at seat level which shall

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extend from the rear of the entrance door on 16-gauge longitudinally corrugated or ribbed width, and securely fastened to the body by to a point of curvature at the rear of the body. Rub rails shall be constructed of both sides, except at functioning doors, steel, ventilated four inches minimum bolts, rivets, or welding. Rub rails are not required on Type II service installed, they must meet same requirements and driver's entrance doors; however, if as above.

#### REJECT VEHICLE IF:

incorrect color; or incorrect number of rails, Rub rails are missing; not firmly attached;

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# Section 443.APPENDIX I Seat Belts through Through Steps

#### a) SEAT BELTS

### PROCEDURES/SPECIFICATIONS:

of each driver's belt shall remain above floor A seat belt shall be installed for the driver clean. Belt material, buckle, tongue, etc., CFR 571.222. At all times, each seat belt installed for each pupil as required by 49 locking type. Each belt assembly shall be shall be readily available for quick and (Section 12-807 of the Illinois Vehicle installed, they shall be the automatic Equipment Law). Seat belts shall be easy use. If Att retractors are when not in use.

Exception: On a bus with incomplete vehicle (chassis) manufactured in March 1977 or earlier, pupil belts are not required.

Exception: On a bus manufactured in August 1974 or earlier, driver's belts, etc., need not remain above floor.

#### REJECT VEHICLE IF:

Retractor or buckle does not operate properly, Seat belts are not secured, not adjustable, cracked, broken, frayed, torn or dirty.

### PROCEDURES/SPECIFICATIONS: b) SEAT, DRIVER'S

The driver's seat shall be rigidly positioned and have a forward and backward adjustment without the use of tools or other nonattached devices.

condition (i.e., free from holes and tears). Seat padding and covering shall be in good Seat cushions shall be securely fastened to the seat frame.

#### REJECT VEHICLE IF:

Driver's seat is not securely anchored to floor; in poor condition; adjustment

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mechanism does not function properly.

#### C) SEATS, SEAT PASSENGER

### PROCEDURES/SPECIFICATIONS:

the seat back or guard barrier in front of the determining seating capacity. All seats shall seats shall have a minimum depth of 14 inches resistant material. Minimum 36 inch headroom seat spacing shall be no more than 24 inches, for sitting position above top of undepressed seat. Padding and covering shall be of fire with a 13 inch allowable average hip room in measured from the seating reference point to For buses purchased after September 1974 all condition (i.e., free from holes and tears). and a minimum back rest height of 20 inches No bus shall be equipped with jump seats or to part or parts of bus which support them. width at top and the same height from floor seats of similar size shall be of the same vertically not more than seven inches from and rear center of cushion). Backs of all and shall slant at the same angle with the Seat padding and covering shall be in good The center-to-center Seat cushions shall be securely fastened side wall at cushion height and at front be forward facing and securely fastened floor. The top and side rails and seat backs shall be padded to cushion level. portable seats (does not include child to the seat frame. (49 CFR 571.222) cushion line on all seats (measured restraint systems).

down the center. No jump or portable seats allowed. No seat or other object placed in consisting of four rows of 30 inch forward facing seats with a minimum 12 inch aisle September 1974 and after January 1, 1972, Exception: All buses purchased prior to shall have a seating plan for 16 pupils emergency door to less than 12 inches. the bus which restricts passageway to

contractors prior to January 1, 1972, and are Exception: Those vehicles used as a school bus by school districts and private

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vehicles will not have to be brought up to the continue to meet the inspection requirements that were in effect at that time. These inspection can still be utilized if they previously passed a school bus safety still in their possession that had above standards. A flip-up seat may be located only adjacent to manufactured on or after September 1, 1994 the flip-up seat must conform to the following: any side emergency door. For buses

- in the folded position, the seat cushion is flat against the seat back to prevent The seat must be designed so that, when between the seat cushion and seat back. a child's limb from becoming lodged
- The seat must be designed to discourage a cushion when in the folded position. child from standing on the seat 5)
- The working mechanism under the seat must be covered to eliminate any tripping hazard. 3)
- All sharp metal edges on the seat must be padded to prevent any snagging nazard. 4)
- No-portion-of-a-seat-frame-or-seat-bottom may-extend-past-door-opening-5
- No portion of the door latch mechanism can be obstructed by a seat. 5)64
- cm) measured from the door opening to the There must be at least 11.7 inches (30 amended-at-59-FR-22997;-May-4;-1994} seat back in front. (49 CFR 571.217) (57-FR-494137-November-27-19927-as 6174

#### REJECT VEHICLE IF:

Passenger seats are not firmly attached to body; broken frame; cushions not firmly attached; padding and covering not fire

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Padding or covering is loose, in torn or have holes; minimum seat dimensions poor condition, or missing; seats are or seat spacing is not in compliance. resistant.

#### d) STEERING

SYSTEM

#### 1) Exterior

#### PROCEDURES/SPECIFICATIONS: Pins A) King

Raise vehicle so as to unload kingpins (brakes tape measure, or a fixed device at the wheel If movement exists, place a dial indicator, bearing looseness). Either grasp wheel at movement at extreme top or bottom of tire. top and bottom or use a bar for leverage. Attempt to rock wheel in and out. Check should be applied to eliminate wheel and measure amount of movement.

Place leverage bar under tire. Raise bar to check for vertical movement between spindle and support axle.

#### REJECT VEHICLE IF:

Wheel bearing movement exceeds 1/4 inch; or kingpin movement exceeds:

Max allowed	1/4"
Wheel size	16" or less

3/8" 1/5" 16.1" to 18" over 18"

### PROCEDURES/SPECIFICATIONS: B) Linkage

with twin "I" beam type front axles or with "A front axle, hoist bus under axle. For buses For buses with single "I" beam or tube type must be hoisted independently so as to load the ball joints. Grasp front and rear of frame" control arms, each axle or arm

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tire and attempt to shake assembly right and left to determine linkage looseness. Measure movement of wheel.

Inspect for damage to or looseness in the following linkage components:

- it) Ball Joints
- ii2) Cotter Pins
- iii3) Drag Link
- iv4) Idler Arm
- Pitman Arm (52
- vi6) Steering Box
- vii7) Tie Rod

#### viii8) Tie Rod Ends

REJECT VEHICLE IF:

Measurement is found to be in excess of:

### Maximum Allowable Movement Rim Diameter

3/8" 16" or less 17" and 18" over 18" Any linkage component is bent; welded; loose; insecurely mounted or missing.

#### C) Power

Steering

### PROCEDURES/SPECIFICATIONS:

Manually and visually inspect:

- Belts <u>i</u>+)
- ii2) Cylinders
- iiii) Fluid Level

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·	$\overline{1}$ \text{V4} \text{ Hoses}		With the front end of the vehicle lifted so as
ÞΙ	<u>v</u> 5) Mounting Brackets		to load any ball joints, grasp the front tire top and bottom, rock it in and out.
ÞΙ	$\overline{ ext{vi}}6)$ Power Assist		Record movement. To verify that any looseness detected is in the wheel bearing,
>I	vii7) Pump		notice the relative movement between the brake drum or disc and the backing plate or
αl	REJECT VEHICLE IF:		splash shield.
w	Steering components are:	AGENCY NOTE:	Wheel bearing play can be eliminated by applying service brakes.
i-i-l	ii) Loose, frayed, cracked, missing; incorrect belts		REJECT VEHICLE IF:
न्त[	ii2) Loose and/or leaking		Relative movement between drum and backing plate, measured at tire, is $1/4$ inch or more.
i.	<u>iii</u> ) Low fluid level	2) Interior	
i	$\overline{iv}$ ) Cracked, leaking, rubbed by moving parts	A) Column	PROCEDURES/SPECIFICATIONS:
>1	<u>v</u> 5) Cracked, loose, or broken		Inspect to determine that column support
>	$\overline{\mathrm{vi}}$ 6) No assist is evident		bracket is properly tightened and all bolts are present.
Ν	<u>vii</u> 7) Loose, leaking.		REJECT VEHICLE IF:
D) Toe-In/ Toe-Out P	PROCEDURES/SPECIFICATIONS:		Column support bracket is not properly tightened or bolts are missing.
3 7	With wheels held in a straight ahead position,	B) Lash	PROCEDURES/SPECIFICATIONS:
יסי נ	drive-on side slip indicator.		With road wheels in straight ahead position,

With road wheels in straight ahead position,
turn steering wheel until a turning movement
can be observed at the left road wheel.
Slowly reverse steering wheel motion and
measure lash.

REJECT VEHICLE IF:

Lash exceeds following acceptable limits:

Steering wheel maximum Acceptable lash
diameter (inches) measured at maximum

Cinches

16 or less

18

Excessive toe-in or toe-out is a general indication that complete check should be made of all front wheel alignment factors (caster, camber, steering axis inclination).

More than 30 feet per mile on the approved side slip indicator.

REJECT VEHICLE IF:

PROCEDURES/SPECIFICATIONS:

E) Wheel Bearings

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	20 2 1/2 2 3/4	The surface entrance steps shall have a nonskid material applied. A 1 1/2 inch to three inch white nosing is required on the
C) Shaft	PROCEDURES/SPECIFICATIONS:	floor at the top riser.
	Grasp steering wheel with both hands and attempt to move shaft up and down.	
	REJECT VEHICLE IF:	Steps or risers are not solid. Steps, risers or nonskid material covering is missing, loss, or not in good condition. White
	Steering shaft moves up and down.	nosing is missing or in poor condition.
D) Steering Wheel	19 PROCEDURES/SPECIFICATIONS:	(Source: Amended at 22 III. Reg. 15 8 (1 = eff.
	Inspect steering wheel condition.	
	REJECT VEHICLE IF:	
	Steering wheel is damaged. Any spokes are missing or reinforcement ring is exposed.	
E) Travel	PROCEDURES/SPECIFICATIONS:	
	Turn steering wheel through'a full right and left turn checking for binding, jamming and complete travel left and right.	
	REJECT VEHICLE IF:	
	Binding or jamming is present. Does not complete full turn from left to right. Tire rubs on fender or frame during turn.	
70	PROCEDURES/SPECIFICATIONS:	

The first service entrance step shall be no more than 13 1/2 inches off the ground. If necessary, a step of adequate width and length shall be installed to meet this requirement. Provision shall be made to prevent road splash

e) STEPS

from the wheel from accumulating on the step

if installed outside the body.

Risers shall be approximately equal in height, upper risers no more than 12 inches in height.

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Section 443.APPENDIX J Stop Signal Arm Panel through Trash Container (Optional) **₽h**±eugh-Ψew-Heeks

#### a) STOP SIGNAL

### PROCEDURES/SPECIFICATIONS: ARM PANEL

on the left side of the bus and may be operated either manually or mechanically. Decals may A stop signal arm panel must be installed be used in lieu of painting.

1992 must be equipped with an octagon-shaped semaphore which meet the requirements listed Buses manufactured on or after September 1, below under "Octagon."

may either be equipped with an octagon-shaped semaphore which meets the requirements listed semaphore which meets the requirements listed Buses manufactured prior to September 1, 1992 below under "Octagon" or a hexagon shaped oelow under "Hexagon."

semaphore which measures at least 450 mm x 450 diameter. The arm shall be red on both sides uppercase letters on both sides. The letters height and have a stroke width of at least 20 Octagon - The arm shall be an octagon-shaped inches) wide on both sides. The arm shall shall be at least 150 mm (5.9 inches) in have the word "STOP" displayed in white with a white border at least 12 mm (.47 mm (17.72 inches x 17.72 inches) in mm (.79 inches).

The stop signal arm shall comply with either (a) or (b) below:

- The entire surface of both sides of the arm can be reflectorized to meet 49 CFR 571.131; or i)a+
- ii]b} Each side of the arm shall have at least two red lamps centered on the vertical shall be located at the extreme top of centerline of the stop arm. One lamp the arm and the other at its extreme

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arm is extended and likewise turn off and stop flashing when arm is closed. The lamps shall light and flash alternately when stop signal 443.Illustration A for examples.) 49 CFR 571.131) (See Section bottom.

and likewise turn off and stop flashing when arm and flash alternately when stop arm is extended These lamps shall light from and rear on both sides as contrast. White of white border at least 1/2 inch wide painted reflectorized or shall have double-faced lamps semaphore approximately 18 inches wide and 18 stroke approximately 7/8 inch wide. The word arm blade is to be painted white with a band inches long and of 16 gauge metal. The stop letter at least six inches high with a brush "STOP" shall be painted on a panel with red is closed. (Section 12-803 of the Illinois Hexagon - The arm shall be a hexagon shaped with red lens approximately four inches in background of approximately 8 inches by 16 the "STOP" painted on both sides in white diamter located in the top and bottommost inches. Remaining area of stop signal Vehicle Equipment Law) (See Section portion of stop arm signal shall be signal arm panel signat shall have 443.Illustration A for examples.) position of the blade.

Optional: Strobe lamps are acceptable on stop arm panels.

Additional panels must operate in conjunction rear half of the bus adjacent to the rearmost Optional: Additional stop signal arm panels must be located on the left side of the bus. The additional panel must be located in the contain any lights, markings or reflective with the required panel and meet all stop material on the forward side of the panel signal arm panel requirements except as follows. The additional panel must not window.

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Stop <u>signal</u> arm panel is in poor condition (i.e., faded, peeling, or rusted); lights do not operate properly (if installed); is not securely attached; is not operating properly; does not meet requirements; is missing.

b) STORAGE COMPARTMENT

(optional)

PROCEDURES/SPECIFICATIONS:

Covered, fire-resistant container securely fastened of adequate strength and capacity for tire chains and tools for minor emergency repairs.

REJECT VEHICLE IF:

If installed, storage compartment does not

meet requirements.

PROCEDURES/SPECIFICATIONS:

c) SUN VISOR

Shall be interior, adjustable and not less than five inches by 16 inches. Must be installed above windshield. Not required to be transparent, but must not interfere with view of interior rear view

mirror.

Sun visor does not meet requirements.

REJECT VEHICLE IF:

d) SUSPENSION

1) Shocks PROCEDURES/SPECIFICATIONS:

Equipped with front and rear heavy-duty, double acting shock absorbers.

REJECT VEHICLE IF:

Shocks are missing, broken or have severe leakage (not slight dampness) occurs. Mounting bolts or mounts are broken or loose, or rubber bushing is partially or completely missing.

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2) Springs

A) Coil PROCEDURES/SPECIFICATIONS:

Visually inspect:

i)++ Spring

ii)2+ Control arms

iii)3}Torque arms (rear)

REJECT VEHICLE IF:

Coil is missing, disconnected, broken, loose bushings, welded or damaged.

With use of a pry bar and using frame as a pivot, attempt to pry front and rear spring attachments and check for movement. Front of vehicle must be jacked up on chassis for checking front suspension. Visually inspect:

B) Leaf

ilt Springs

iil27 Shackles

iii)3}Hangers

v)5+ Center bolts

iv)47 U-bolts

vi)6+ Bushings or pivot

REJECT VEHICLE IF:

Springs are missing or broken. Shackles or "U" bolts worn or loose. Center bolt in springs sheared or broken. Steering stops allow tire to rub on frame or metal.

Any leaves are cracked or missing. Any shackle, shackle pins, hangers, or "U" bolts are worn, loose, or missing.

C) Torsion Bar (Stab-

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ilizer

PROCEDURES/SPECIFICATIONS: Bar)

Visually inspect:

ilth Torsion bar

ii)2+ Mounting brackets

iii)3+Control arms

iv)4+ Torque arms (if applicable - rear)

v)5+ Stabilizer bar(s) (if applicable)

REJECT VEHICLE IF:

Torsion bar missing, disconnected, broken, loose, welded, or damaged.

> (optional) e) TOW HOOKS

PROCEDURES/SPECIFICATIONS: 1) Front A front tow hook must not extend beyond the front of the front bumper. Each front tow hook not fastened securely to the chassis frame shall be connected to the frame by suitable braces.

REJECT VEHICLE IF:

Tow hook(s) extend beyond bumper; not securely attached.

PROCEDURES/SPECIFICATIONS:

2) Rear

Any tow hook(s) installed on the rear shall be integral type bus. A tow hook must not extend or to an equivalent structural member of an beyond the rear face of the rear bumper. attached or braced to the chassis frame

REJECT VEHICLE IF:

Tow hook(s) extend beyond bumper; not securely attached.

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f) TRASH CONTAINER (optional)

PROCEDURES/SPECIFICATIONS:

present, it must be securely stored in the vehicle and must not obstruct any A trash container may be present. aisle.

REJECT VEHICLE IF:

Optional trash container does not meet

requirements.

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# Undercoating through Through Windshield Wipers Section 443.APPENDIX R

#### PROCEDURES/SPECIFICATIONS: a) UNDERCOATING

Fire resistant undercoating material applied fenders, floor members and side panels below by spray. Entire underside of body, front Floor level must be covered.

#### REJECT VEHICLE IF:

Undercoating does not meet requirements.

#### PROCEDURES/SPECIFICATIONS: b) VENTILATION

Body must be equipped with ventilating system capable of supplying proper quantity of air under operating conditions.

#### REJECT VEHICLE IF:

Air is obstructed; not securely fastened; not covered.

#### DEVICES c) WARNING

# PROCEDURES/SPECIFICATIONS:

inches square and three red reflectors minimum Either three red cloth flags not less than 12 of the Illinois Vehicle Equipment Law) Kit bidirectional emergency triangles that conform to 49 CFR 571.125 (Section 12-702 of 3 inches in diameter or three shall be securely stored.

#### REJECT VEHICLE IF:

Required warning devices are not present or are in poor condition.

#### d) WHEELS

#### PROCEDURES/SPECIFICATIONS: 1) Housings

prevent water, fumes or dust entering the body. Inside height should not exceed  $10\,$ Full open type attached to floor sheet to

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allow for unimpeded wheel and tire service or on the dual or single tires installed on the removal. Housing shall provide clearance inches above floor line. Housings shall for installation and use of tire chains rear wheels.

Inspect tire and road wheel assemblies.

#### REJECT VEHICLE IF:

requirement; wheel housings are not firmly Wheel housings do not meet clearance secured; holes are present. A tire or wheel is rubbing against any portion of the suspension, chassis, or body.

#### PROCEDURES/SPECIFICATIONS: 2) Rim

lugs, locking rings, etc. Each cover, cap, or Inspect all wheel and rim bolts, nuts, studs, these items must be removed prior to the decorative ring that obscures any of inspection.

Inspect for visible wheel damage.

#### REJECT VEHICLE IF:

securing device is loose, missing, or cracked. Any wheel or rim securing device such as a nut, bolt, stud, lug, ring, or other type

oversized, or "wallowed out." Any part of welding or rewelding, or damaged so as to cause unsafe operation of the vehicle. Wheel locating hole(s) are elongated, wheel or rim is cracked, repaired by

#### PROCEDURES/SPECIFICATIONS: 3) Tires

Inspect tire for proper inflation (i.e., flat tire). A regrooved, retreaded, or recapped tire shall not be on the front steering axle.

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A tire with restricted use marking is prohibited (e.g., "NHS" or "SL" following size marking, "Off Highway," "Farm Use," "Racing Only," etc.). No school bus shall be equipped with any tire configuration is absent on any part of the tire which is in contact with the road which has been so worn that tread surface.

Inspect for tread wear:

- Check for the presence of tread wear indicators. A)++
- For tires without tread wear indicators, use tread depth gauge to measure groove B) 2+

Steering (Front) and Drive (Rear) Axles: Axle: Measure groove depth at any point on a major tread groove. Brive-(Rear)-Axle:--Measure-groove-depth in-any-two-adjacent-grooves-at-three equaliy-spaced-intervals-around-the circumference-of-the-tireBo-not-measure-on-a-tie-bary-groove-humpy or-fillet.

"spaces," between the tread elements (as For tires without tread wear indicators and with noncircumferential grooves, or in snow, mud, lug knob, or traction treads): c)3+

between the center of the tire and Steering (Front) and Drive (Rear) major groove at a point halfway the outside of the tread at any point on a major tread groove. Axles: Axle: Measure in a

between-the-center-of-the-tire-and

Drive-(Rear)-Axle:--Measure-in-a

major-groove-at-a-point-halfway

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equaliy-spaced-intervals-around-the the-outside-of-the-tread-at-three circumference-of-the-tire;

cupped, dished, or unevenly worn areas. The measurements shall not be made 

Inspect tire for bald, partially bald,

D)4+

where the tie bars, humps, or fillets are located.

"Bald" means without a groove. AGENCY NOTE:

Inspect for visible cord damage and exposure of ply cords in sidewalls and treads, including belting material cords.

Inspect for evidence of tread or sidewall separation.

Inspect for regrooved or recut treads.

49 CFR 369 requires tires marked "REGROOVABLE" grooves shall have a protective covering of after regrooving, cord material below the tread material at least 3/32 inch thick. to have sufficient tread rubber that, AGENCY NOTE:

Inspect tires for legible markings showing size designation and carcass construction.

without a belted or radial indication, shows sidewall shows belted construction. Same construction. More plies at tread than number of plies at tread and sidewall, "R" in size designation shows radial plain bias construction.

AGENCY NOTE:

Tires on same axle must be of same construction. inspect tires for size designation and for matched construction. "Construction" refers to bias, bias belted, or radial arrangement of ply cords in the tire carcass.

AGENCY NOTE:

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Inspect each single dual tire assembly.

A mixture of regular and mud-and-snow treads must be same on both sides of axle.

When radial and conventional (i.e., bias) ply tires are both used on a vehicle, one of the following two requirements shall be met:

- i) + On vehicles with one single wheel axle and one or more dual wheel axles, radial tires shall be used on the steering (i.e., front) axle only.
- ii)2- On vehicles having two single wheel axles, radial tires shall be used on the rear axle only.

A tube built only for bias tire shall not be installed in a radial tire. Red color shall not be added to stem of a "bias" tube. (Valve stem of tube for radial tire is either marked "radial" or has red ring or is painted red.) A "radial" tube and flap may be used in a bias tire.

Inspect valve stems.

REJECT VEHICLE IF:

Improper inflation (flat tire).

Regrooved, retreaded or recapped tire is located on front steering axle.

Restricted marking is present.

Any part of tire which is in contact with road surface is absent of tread configuration.

- i) the Tread wear indicators contact road at any point on a major tread groove in any-two adjacent grooves-at-three-equality-spaced intervals-around-the-circumference-of-the tire.
- $\overline{\text{ii}}$ )2) On steering (front) axle: Tread groove depth is less than 4/32 inch when

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measured at any point on a major tread

groove.

On drive (rear) axle: Tread groove depth is less than 2/32 inch when measured in any-two-adjacent-grooves at any point on a major tread groove three-essentially equally-spaced-intervals-around-the circumference-of-the-tire.

iii)340n steering axle: Tread groove depth is less than 4/32 inch when measured in a major groove at a point halfway between the center of the tire and the outside of the tread groove.

On drive axle: Tread groove depth is less than 2/32 inch when measured in a major groove at a point halfway between the center of the tire and the outside of tread when measured at any major tread groove three-essentially-equally -spaced-intervals-around-the-circumference of the-tire.

iv)47 The tire has bald, partially bald, cupped, dished or unevenly worn areas. A broken or cut cord can be seen. Rubber is worn, cracked, cut or otherwise deteriorated or damaged so that a cord can be seen - either when the tire is not touched or when the edges of the crack, cut or damage are parted or lifted by hand.

Tire has bump, bulge, knot or other evidence of partial carcass failure, air seepage, or loss of adhesion between carcass and tread or sidewall.

Tread has been regrooved or recut on a tire that does not have the word "REGROOVABLE" molded on or into both sides of the tire.

A tire on a road wheel does not exhibit a legible size marking and a legible construction marking.

### DEPARTMENT OF TRANSPORTATION

### NOTICE OF ADOPTED AMENDMENTS

Tires on the same axle are not of same construction. A tire exceeds the diameter (not width) of its mate by 1/2 inch (1/4 inch radius) or more; or one tire touches its mate.

A mixture of regular and mud-and-snow treads are not the same on both sides of the axle.

conventional tires on a vehicle are not met. Requirements for using both radial and

A tube built only for bias tire but installed in a radial tire.

A valve stem leaks; is cracked; is either evidence of wear because of misalignment. damaged or positioned so as to hamper pressure checking or inflation; shows

# PROCEDURES/SPECIFICATIONS:

e) WINDOWS

and also to any plastic material(s) used in a apply to the optional laminated safety glass All applicable provisions of 49 CFR 571.205 multiple glazed unit. Glazing shall be marked as follows pursuant to 49 CFR 571.205:

i)++ Windshield - "AS 1" Glass

ii)2+ Driver's window - "AS 1" Glass or "AS 2" Glass

2 iii)3+Driver's door - "AS 1" Glass or "AS Glass iv)4+ All other locations - "AS 1" Glass, "AS 2" Glass, or "AS 3" Glass.

#### REJECT VEHICLE IF:

Windows do not meet requirements er-are-not properly-identified.

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#### (Also see EMERGENCY

#### PROCEDURES/SPECIFICATIONS: EXITS)

When the emergency door is located on the left nondetachable and nonhitchable. When locked provided. Minimum dimensions are 16 inches emergency. Inside handle shall provide for or not fully latched, window shall actuate high and 48 inches wide. Designed to be alarm audible and visible to driver. No insure against accidental closing in an quick release. Outside handle shall be Hinged on top, designed and operated to side, a rear emergency window shall be opened from the inside or the outside. cutoff switch allowed.

in letters at least two inches high, of a color that contrasts with its background, located at the top of or directly above the window on Optional emergency windows are allowed. They must be labeled tabetted "Emergency Exit" the inside surface of the bus.

#### REJECT VEHICLE IF:

does not function. Glass is cracked or broken Operating mechanisms do not function. Alarm (see EMERGENCY EXIT - Alarms and Locks).

#### PROCEDURES/SPECIFICATIONS: 2) Rear

the rear of the bus shall be located so as not Glazing in rear of bus shall be of fixed type. Any authorized or required sign, letters or numerals displayed on the window in to obstruct the driver's view.

#### REJECT VEHICLE IF:

Visibility through rear windows is obstructed. Glass is cracked or broken.

# PROCEDURES/SPECIFICATIONS:

3) Side

All buses purchased after September 1974 must have each side window as an unobstructed

### DEPARTMENT OF TRANSPORTATION

### NOTICE OF ADOPTED AMENDMENTS

emergency opening and at least a nine inch by on all windows. Safety glass, or equivalent, 22 inch wide opening obtained by lowering the window. Six inch stop line required with exposed edges banded.

and after January 1, 1972, must have approved safety glass in all windows and doors and all All buses purchased prior to September 1974 exposed edges of the glass shall be banded.

at that time. These vehicles will not have to Those vehicles used as a school bus by school inspection requirements that were in effect districts and private contractors prior to school bus safety inspection can still be possession and had previously passed the January 1, 1972, and are still in their utilized if they continue to meet the be brought up to the above standards.

route identification markings, see LETTERING. Note: For information regarding optional bettering-

#### REJECT VEHICLE IF:

requirements. Window does not open easily. Glass is cracked or broken. Stop lines Windows do not meet emergency opening are missing.

Window latches do not operate properly.

#### 4) Windshield

PROCEDURES/SPECIFICATIONS:

and must not obstruct driver's view. (Section Shall be installed between front corner posts 12-501 of the Illinois Vehicle Equipment Law)

have tinted safety glass six inches below top All buses purchased after September 1974 must of windshield or equivalent to reduce glare.

All buses purchased prior to September 1974

must have safety glass and shall be heat

resistant, laminated plate.

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#### REJECT VEHICLE IF:

Glass is broken, cracked, or discolored (not Windshield is not firmly sealed or attached. present which measures more than one inch including allowed tint). "Star chip" is in diameter.

#### f) WINDSHIELD

#### PROCEDURES/SPECIFICATIONS: WASHER

Windshield washer shall effectively clean the area covered by both wipers.

REJECT VEHICLE IF: Windshield washer does not effectively clean entire area or does not operate properly.

#### g) WINDSHIELD

WIPERS

#### PROCEDURES/SPECIFICATIONS:

Wipers shall be either two speed or variable speed with nonglare arms and blades. Blades need not be individually powered.

#### REJECT VEHICLE IF:

Windshield wipers do not cover entire cleaning broken down. Wiper fails to park properly hardened, or rubber wiping element has area. Blades are damaged, torn, when shut off.

22 (Source: AMENG 1998at

ا ا ا Ill. Reg.

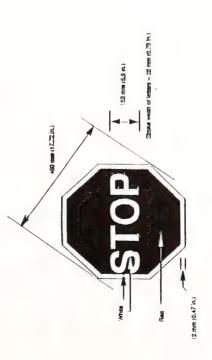
effective

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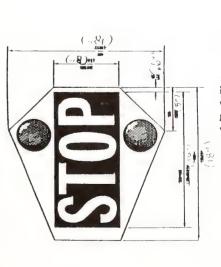
DEPARTMENT OF TRANSPORTATION NOTICE OF ADOPTED AMENDMENTS

Section 443.ILLUSTRATION A Stop Signal Arm Panels

Octagon Shaped Semaphore (see Section 443.APPENDIX J (a))



Hexagon Shaped Semaphore (see Section 443.APPENDIX J (a))



(Source: Amended at 22 Ill. Reg 15 3 71, effective

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AUG 07 1998

### DEPARTMENT OF TRANSPORTATION

### NOTICE OF ADOPTED AMENDMENTS

and Pre-Trip Inspection Requirements Driver's Section 443.ILLUSTRATION E Sample Form (Repealed)

As--required--in-Section-13-115-of-the-Illinois-Vehicle-Inspection-baw,-drivers must-complete-the-following-"Pre-trip-Inspection"-daily:

prescribed-by-rule-or-regulation-of-the-Department,4--(Section--13-115--of "Bach-day-that-a-school--bus--is--operated--the--driver--shall--conduct--a pre-trip--inspection--of-the-mechanical-and-safety-equipment-on-the-bus-as the-filinois-Vehicle-Inspection-haw)

The-following-requirements-became-effective-August-1,-1975;

- The-driver-must-inspect-his-vehicle-each-day-prior-to-beginning-a-trip-40
- The --driver--is--required--to--make--a--written--report-of-this-pre-trip inspection: -- He-must-report-any-defects-found-to-the-proper-authority-so that-the-defects-can-be-corrected; t q
- The-pre-trip-inspection-report-shall-be-made-in-duplicate. to
- As-designated-by-the-owner;-the-original-copy-shall-be-presented-to--the person--of--authority--on-a-daily-basis---These-original-copies-shall-be retained-by-the-owner-for-one-hundred-and-eighty-days-¢
- The-duplicate-copy-shall-remain-in-the-bus-for--a--period--of--at--least thirty-days. 10
- The--form-shall-specify-items-to-be-checked-(see-subsection-(i)-and-the minimum-information-to-be-recorded-£}
- The-pre-trip-inspection-records-and-reports-will-be-made--available--for inspection--and-audit-by-authorized-representatives-of-the-Department-at any-time-46
- tt-is-the-responsibility-of-the-bus-owner-to-furnish-pre-trip-inspection report-forms-that-meet-the-minimum-requirements-of-this-Chapter-中
- Cootant; -oit; -battery; -washer-fluid-levels; -fan-belts; -and-wiring; #

Required-items-to-be-checked-during-the-driver-s-Pre-grip-Inspection:

++

- Steps;-cleanliness;-upholstery;-windows;-warning-devices;-fuses;-first aid--kit;---fire--extinguisher;--emergency--door--{open---and---close}; lettering-5
- Odometer--reading-and-indication-of-whether-or-not-state-inspection-is <del>1</del>+

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- Steering-wheely-windshield-wipers-and-washersy-heater--and--defrostery horn;--service--door--(open-and-ciose);-door buzzer---ciutch--brake-warning-buzzer--stop--arm--control--gear--shift lever,--neutral--safety-switch;-water-temperature;-fuel;-vacuum-or-air pressure,-gauges,-parking-brake,-seat-belt(s), 44
- Ammeter,-gll-interior-lights,-headlights-(high/low-beams). 5
- Right-front-wheel-and-tire;--right-side-marker-lamps;-turn-signal-light and-reflectors,-right-rear-view-and-safety--mirror,--headlights,--turn signals;--cluster;--clearance;--and--I;D:-lights;-alternating-flashing <u>lights;-vindshield;-underside-of-chassis;-crossover-mirror;-left--rear</u> view--mirror--and--safety--mirror;-left-front-wheel-and-tire;-driver-s side-window;-stop-arm;-left-side-marker-lamps;-turn-signal--light--and refiectors,--emergency--door--(open--and--ciose);-left-rear-wheels-and tires;-exhaust-system-(tailpipe-clear);-cluster;--clearance--and--I;B; <u>lights;--taillights;-turn-signals-and-reflectors;-alternating-flashing</u> ±ights>-rear-emergency-door-(open-and-cłose)>-right--rear--wheels--and tires--fuel-tank-filler-caps-49
- Drain--air-brake-tank---Record-condition-of-bus-{i-e-;--satisfactory-or unsatisfactory). 44

DEPARTMENT OF TRANSPORTATION NOTICE OF ADOPTED AMENDMENTS

effective AUG 07 1998

SOMPANY NAME OF SCHOOL DISTRICT NAME.

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3us Goometer	Cost Hood and Charte	Contant Oil Battery Washer	-find -cock, for Jerg one	Winng	Eams Bus 100 Charks	Steps, Gespinger, Condence	Windows, Warning	ALLES TOTAL		190		George Seating	the section is a section in the sect			C Windship Wide San Manne	Theater and Cetrocter	C Hom	Capuca Coor loose use storet.	Call Minon (Adjustment).	- Book Sukker	Chica	Garle Morning Sucres	Coton Arm Sonnes			- American Company	- Caludon	Chamme drama	CSast date				-deadhaba	-highinger Oceange	1				ACMARKS		

(Source: Repealed at 2% : 11. Reg. 15 3 7 1

### NOTICE OF ADOPTED AMENDMENTS

# Section 443.ILLUSTRATION F School Bus Emergency Exits School buses manufactured on or after September 1, 1994 may be equipped with additional exits. These additional exit requirements apply to school buses with an incomplete vehicle date of on or after September 1, 1994. The

Each school bus will first be equipped with either a rear emergency door or a side emergency door and rear emergency window as stated in paragraphs (a) and (b).

incomplete vehicle date can be found on the bus' federal certification label,

The following Tables specify the required number of exits depending on the vehicle's passenger capacity and emergency exit configuration.

a) One rear emergency door that opens outward and is hinged on the right side (either side in the case of a bus with a GVWR of 10,000 pounds or less), and the additional exits, if any, specified by Table 1.

#### TABLE 1

1 left side exit door or 2 exit windows.  1 left side exit door or 2 exit windows, and roof exit.  1 left side exit door or 2 exit windows, and roof exit.  2 left side exit door or 2 exit windows, and roof exit, and any combination of door, roo or windows such that the total capacity cred specified in Table 3 for these exits, plus 7 is greater than the seating capacity of thus.	Additional exits required	ndows. ndows, an	ndows, and	door, roo	ts, plus	acity of	
	:	or 2 exit wi	or 2 exit wi	oination of	or these exi	seating cap	
		exit door c	exit door o	and any comb	n Table 3 fo	than the	
	None.	1 left side	roof exit.	roof exit,	specified i	is greater	bus.
	1-45	46-62 63-70	71 and above				

1

he lit

b) One emergency door on the vehicle's left side that is hinged on its forward side and a pushout rear window that provides a minimum opening clearance 16 inches high and 48 inches wide, and the additional exits, if any, specified by Table 2.

#### TABLE 2

Seating Additional exits required Capacity

1-57 None.

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58-74 L right side exit door or 2 exit windows, and

1 roof exit.

75-82 1 right side exit door or 2 exit windows, and 1 roof exit.

83 and above

l right side exit door or 2 exit windows, and l roof exit, and any combination of door, roof, or windows such that the total capcity credit specified in Table 3 for these exits, plus 82, is greater than the seating capacity

TABLE

of the bus.

Exit Type Capacity Credit

Side Door

16

Window

Roof Exit

AGENCY NOTE: In order to explain the use of Table 3, the following example is provided.

The onwer/operator of a 75 passenger bus can choose either a side door, window or roof exit to meet the additional exit requirements with buses with a seating capacity of 71 and above. If the owner/operator chooses a side door, he/she would add 16 and 70 for a total sum of 86. As long as the sum is greater than the original passenger capacity of the bus, the exit choice is acceptable.

(Source: Added) 1998 22 111. Reg. 15372., effective

#### DEPARTMENT OF REVENUE

## NOTICE OF EMERGENCY AMENDMENT

- Electricity Excise Tax Law Heading of the Part: 7
- Code Citation: 86 Ill. Adm. Code 511 2)
- Emergency Action: Section Numbers: 3)
- Civil Administrative Code, 20 ILCS 2505/39b19 Statutory Authority: 4)

New Section

- Effective Date of Rules: August 6, 1998 ( 9
- expire before the end of the 150-day period, please specify the date on which it is to expire: This rule will expire at the end of the 150-day period. rules are to If these emergency (9
- Date filed with the Index Department: August 6, 1998 7
- o incorporated by reference, is on file in the agency's principal office and A statement that a copy of the adopted rule, including any material is available for public inspection: A copy of the emergency rule is file with the Department and available for public inspection. 8
- Reason for Emergency: Public Act 90-561 created the Electricity Excise commonly referred to as the Retail Rate Law allows utilities to take a credit against their tax liability incurred under the Public Utilities Upon repeal of Section 2 of the Public Utilities Revenue that the legislature intended to shift the impact of the credit from the if the credit were applied against the Invested Capital/Electricity Distribution Tax. Further, there are clear statements of intent by the sponsors of Public Act 90-561 in the Tax Law [35 ILCS 640/1] effective August 1, 1998, and repealed Section 2 1998. Section 8-403.1 of the Public Utilities Act [220 ILCS 5/8-403.1], government (Personal Property of the Public Utilities Revenue Act [35 ILCS 620/2] effective August 1, Legislative record indicating that it was not the intent of legislature to negatively affect the retail rate on landfill gas. State (General Revenue Fund) to local Replacement Tax Fund) as would be the case Capital/Electricity Distribution Tax. tax remaining only Revenue Act. Act, the 6

Because the credit provision in the Retail Rate Law has traditionally been applied to a tax that is being repealed and does not reference the new Electricity Excise Tax Law which was enacted to replace the prior tax on electricity, some utilities have indicated that they will no longer pay rate for electricity purchased from methane gas producing indicated the utilities to purchase their electricity at the retail rate will result in a threat of imminent closure of their The methane gas producing landfill operators have electricity production operations or reduction of output. that the failure of the retail landfills.

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## NOTICE OF EMERGENCY AMENDMENT

legislature is not currently in session and therefore cannot act to clarify its intent, and since Section 2 of the Public Utilities Revenue Act was repealed effective August 1, 1998, this emergency rule will provide necessary time for the legislature to address this issue.

- credit These A Complete Description of the Subjects and Issues Involved: emergency rules allow the utilities to take the Retail Rate Law against the Electricity Excise Tax Law. 10)
- Are there any proposed amendments to this Part pending: No 11)
- This emergency rulemaking neither imposes a State mandate, nor modifies an existing mandate. Statement of Statewide Policy Objectives: 12)
- Information and questions regarding this rule shall be directed to: Illinois Department of Revenue 62794 Office of the Director Springfield, Illinois 101 West Jefferson (217) 785-7075 Ken Zehnder Director Telephone: Address: 13)

The full text of the Emergency Amendment begins on the next page:

CHAPTER I: DEPARTMENT OF REVENUE TITLE 86: REVENUE

ELECTRICITY EXCISE TAX LAW PART 511

SUBPART A: GENERAL

Definitions Section 511.100

EMERGENCY

Imposition of Tax 511.110 EMERGENCY

Electronic Fund Transfer and Estimated Payments EMERGENCY 511.120

Transfer of Credit Memorandum EMERGENCY 511.130

COLLECTION OF TAX BY UTILITIES SUBPART B:

Collection of Tax by Delivering Supplier Section 511.200

Applicability of Retail Rate Law Credit EMERGENCY

511.250 EMERGENCY

SUBPART C: SELF-ASSESSING PURCHASERS

Section 511.300

Self-assessing Purchaser Election and Registration

EMERGENCY

AUTHORITY: Implementing the Electricity Excise Tax Law [35 ILCS 640].

SOURCE: Adopted by emergency rulemaking at 22 111. Reg. 13978, effective July 13, 1998, for a maximum of 150 days; amended by emergency amendment at 22 III.
Reg. 15 485, effective August 6, 1998, for a maximum of 150 days.

SUBPART B: COLLECTION OF TAX BY UTILITIES

# Section 511.250 Applicability of Retail Rate Law Credit

5/8-403.1], commonly referred to as the Retail Rate Law, can be applied against the collection liability of a delivering supplier under Section 2-7 of the The credit provided in Section 8-403.1 of the Public Utilities Act [220 ILCS Electricity Excise Tax Law [35 ILCS 640/2-7].

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NOTICE OF EMERGENCY AMENDMENT

(Source: Added by emergency amendment at 22 III. Reg. 15485effective August 6, 1998, for a maximum of 150 days)

# DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

# NOTICE OF PEREMPTORY AMENDMENT

Heading of the Part: Pay Plan

7

- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number: Peremptory Action:
  - 310.Appendix A, Table P Amended
- 4) Reference to the specific State or Federal Court Order, Federal Rule or Statute which requires this Peremptory Rulemaking: Section 1-5(d) of the Illinois Administrative Procedures Act [5 ILCS 100/1-5(d)]
- 5) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel
- 6) Effective Date: August 7, 1998

Code [20 ILCS 415/8 and 8a].

- 7) A Complete Description of the Subjects and Issues Involved: In Section 310.Table P RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE), the abolished Dangerous Drugs Compliance Officer I, II and III titles are being deleted, effective July 15, 1998.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed in Agency's Principal Office: July 15, 1998
- 10) A statement that a copy of the amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection. Copies of all Pay Plan amendments and Collective Bargaining contracts are available upon request from the Division of Technical Services.
- 11) Is this Rule in compliance with Section 5-50 of the Illinois Administrative Procedures Act? Yes
- 12) Are there any proposed amendments pending to this Part? Yes

Section Numbers	rs Proposed Action	Illino	Illinois Register Citation	ster	Citat	101	
310.70	Amended	22 111	22 Ill. Reg. 7385 (May 1, 1998)	7385	(May	1,	1998)
310,100	Amended	22 Ill	. Reg.	7385	(May	٦,	1998)
310.140	Amended	22 111	. Reg.	7385	(May	1,	1998)
310.280	Amended	22 111	. Reg.	7385	(May	1,	1998)
310.490	Amended	22 III	. Reg.	7385	(May	1,	1998)
310.Appendix A,	'd'						
Table A	Amended	22 III	22 Ill. Reg. 7385 (May 1, 1998)	7385	(May	1,	1998)
310.Appendix A,	, p						
Table B	Amended	22 III	22 Ill. Reg. 7385 (May 1, 1998)	7385	(May	1,	1998)
310.Appendix A,	Α,						

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# DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

# NOTICE OF PEREMPTORY AMENDMENT

22 Ill. Reg. 7385 (May 1, 1998)	22 Ill. Reg. 7385 (May 1, 1998)		22 Ill. Reg. 7385 (May 1, 1998)		22 Ill. Reg. 7385 (May 1, 1998)		12422 (July 2,	Reg. 12422 (July 2,	Reg. 12422 (July 2,	12422 (July 2,	Reg. 12422 (July 2,	22 Ill. Reg. 12422 (July 2, 1998)				
Amended	Amended		Amended		Amended	Amended	Amended	Amended	Amended	Amended	Amended	Amended	Amended	Amended	Amended	Amended
Table D	310.Appendix A, Table F	310.Appendix A,	Table S	310.Appendix A,	Table V	310.110	310,130	310.290	310.450	310.495	310.530	310.540	310.Appendix B	310.Appendix C	310.Appendix D	310.Appendix G

13) Statement of Statewide Policy Objectives: These amendments to the Pay Plan pertain only to State employees subject to the Personnel Code and do not set out any guidelines that are to be followed by local or other jurisdictional bodies within the State.

# 14) Information and questions regarding this amendment shall be directed to:

Mr. Michael Murphy
Department of Central Management Services
Division of Technical Services
504 William G. Stratton Building
Springfield, Illinois 62706
(217) 782-5601

The full text of the Peremptory Amendment begins on the next page:

# DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

# NOTICE OF PEREMPTORY AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310 PAY PLAN

#### SUBPART A: NARRATIVE

Conversion of Base Salary to Pay Period Units Conversion of Base Salary to Daily or Hourly Equivalents Implementation of Pay Plan Changes for Fiscal Year 1998 Reinstitution of Within Grade Salary Increases Interpretation and Application of Pay Plan Policy and Responsibilities Other Pay Provisions Increases in Pay Decreases in Pay Effective Date Pay Schedules Jurisdiction Definitions 310.130 310.140 310.110 310,120 310,100 310.90 Section 310.50 310.30 310.40 310.60 310.70 310.80

## SUBPART B: SCHEDULE OF RATES

Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, Effective

July 1, 1984 (Repealed)

310.150

Director and Assistant Part-Time Daily or Hourly Special Services Rate Annual Compensation Ranges for Executive Executive Director, State Board of Elections Educator Schedule for RC-063 and HR-010 Out-of-State or Foreign Service Rate Excluded Classes Rate (Repealed) Member, Patient and Inmate Rate Legislated and Contracted Rate Physician Specialist Rate Designated Rate Prevailing Rate Negotiated Rate Trainee Rate Introduction Hourly Rate 310.280 310.310 310.330 310.240 310.260 310.270 310.290 310,300 310.320 310.205 310.210 310.220 310.230 310,250 Section

# SUBPART C: MERIT COMPENSATION SYSTEM

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES Procedures for Determining Annual Merit Increases NOTICE OF PEREMPTORY AMENDMENT Merit Compensation Salary Schedule Intermittent Merit Increase Merit Zone (Repealed) Other Pay Increases Responsibilities Decreases in Pay Jurisdiction Objectives Adjustment 310.410 310.420 310.430 310.440 310.450 310.455 310.456 310.460 310.470 310.480

310.490 Other Pay Provisions
310.495 Broad-Band Pay Range Classes
310.500 Definitions
310.510 Conversion of Base Salary to Pay Period Units
310.520 Conversion of Base Salary to Daily or Hourly Equivalents

310.530 Implementation 310.540 Annual Merit Increase Guidechart for Fiscal Year 1998 310.550 Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

of Central Management Services - State of (Department of Labor - Chicago, Illinois - SEIU) NR-916 (Department of Natural Resources, Teamsters) (Firefighters, AFSCME) (Repealed) (Automotive Mechanics, IFPE) (Teamsters Local #726) (Teamsters Local #330) (Teamsters Local #25) Negotiated Rates of Pay Illinois Building - SEIU) HR-190 (Department 3C-069 3C-020 3C-019 3C-045 3C-006 ER-001 APPENDIX A TABLE AA TABLE A TABLE B O 田 Ü TABLE D TABLE F TABLE H LABLE TABLE TABLE

(Paraprofessional Human Services Employees, AFSCME) (Professional Legal Unit, AFSCME) (Institutional Employees, AFSCME) (Corrections Employees, AFSCME) (Clerical Employees, AFSCME) (Conservation Police Lodge) (Registered Nurses, INA) (Boilermakers) 3C-009 3C-014 3C-023 3C-110 3C-010 3C-028 RC-008 а Σ TABLE I TABLE J TABLE N TABLE TABLE TABLE

Enforcement (Teachers of Deaf, Extracurricular Paid Activities) Law (Fair Employment Practices Employees, SEIU) (Corrections, Meet and Confer Employees) and (Residual Maintenance Workers, AFSCME) (Paraprofessional Investigatory AC-033 (Meat Inspectors, IFPE) (Teachers of Deaf, IFT) Employees, IFPE) RC-029 IR-010 IR-012 IR-010 CU-500 RC-042 TABLE O O K S TABLE T ь > TABLE PABLE TABLE TABLE TABLE

(Technical Employees, AFSCME)

3C-062

PABLE

# DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

# NOTICE OF PEREMPTORY AMENDMENT

			for			Year		Repea	iscal	
CME)			Monthly Rates of Pay f		Fiscal Year 1998	Schedule for Fiscal Y	(pe	st Salary Schedule (Re	ary Schedule for Fis	
RC-063 (Professional Employees, AFSCME)	RC-063 (Educators, AFSCME)	RC-063 (Physicians, AFSCME)	Schedule of Salary Grades - Monthly Rates of Pay for	Year 1998	Medical Administrator Rates for Fiscal Year 1998	Merit Compensation System Salary Schedule for Fiscal Year	Teaching Salary Schedule (Repealed)	Physician and Physician Specialist Salary Schedule (Repea	Broad-Band Pay Range Classes Salary Schedule for Fiscal	1998
×	Y	2	DIX B		DIX C	DIX D	DIX E	DIX F	DIX G	
TABLE X	TABLE Y	TABLE Z	APPENDIX B		APPENDIX C	APPENDIX D	APPENDIX	APPENDIX	APPENDIX G	

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

Year

Fiscal

1998 led)

amendment at 10 III. Reg. 14867, effective August 26, 1986; amended at 10 III. Reg. 15567, effective September 17, 1986; emergency amendment at 10 III. Reg. at 8 111. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 111. Reg. 4249, effective March 16, 1984, for a Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 III. Reg. 21544, effective October 24, 1984; amended at 8 III. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; peremptory amendment at 10 III. Reg. 8928, effective May 13, 1986; emergency amendment at 10 III. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory 17765, effective September 30, 1986, for a maximum of 150 days; peremptory effective July 1, 1984, for a maximum of 150 days; emergency amendment at  $^{8}$ III. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment amended at 8 111. Reg. 2440, effective February 15, 1984; emergency amendment maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. amendment at 10 Ill. Reg. 19132, effective October 28, 1986;

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30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended peremptory amendment 11 111. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 111. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 III. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 III. Reg. 5459, effective March 3, 1988; amended at effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 1989; amended at 13 III. Reg. 16950, effective October 20, 1989; amended at 13 effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 3363, effective February 3, 1987; peremptory amendment at 11 111. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 I11. Reg. 6291, effective March 23, 1987; amended at 11 I11. Reg. 5901, effective March 24, 1987; emergency amendment at 11 111. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 111. Reg. 11830, effective July 1987, for a maximum of 150 days; peremptory amendment at 11 111. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 111. Reg. 15273, effective September 1, 1987; amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663, 648, effective December 22, 1986; peremptory amendment at 11 111. Reg.

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effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 III. Reg. 11080, effective July 19, 1991; amended at 15 III. Reg. 13080, 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a peremptory amendment at 17 111. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 III. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 III. Reg. 16545, effective October 31, 1994; peremptory amendment 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 111. Reg. 2481, effective February 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 maximum of 150 days; amended at 17 111. Reg. 238, effective December 23, 1992; maximum of 150 days; amended at 17 111. Reg. 13409, effective July 29, 1993; effective October 25, 1993; emergency amendment at 17 111. Reg. 21858, at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6688, 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill.

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1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; peremptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 III. Reg. 15018, effective November 7, 1996; peremptory amendment III. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; peremptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; peremptory amendment Ill. Reg. 17167, effective December 9, 1997; peremptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; peremptory amendment at 22 Ill. Reg. 4326, effective February 1998; peremptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; Reg. 7320, effective April 10, 1998; peremptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective uly 2, 1998, for a maximum of 150 days; peremptory amendment at 22 Ill. Reg. at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 at 21 III. Reg. 1629, effective January 22, 1997; amended at 21 III. Reg. 5144, effective April 15, 1997; amended at 21 III. Reg. 6444, effective May 15, 1997; 13, 1998; peremptory amendment at 22 Ill. Reg. 5108, effective February 26, amended at 22 Ill. Reg. 6204, effective March 12, 1998; peremptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; peremptory amendment at 22 Ill. 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 111. Req. 10061, effective July 21, 1997, for a maximum of 150 days; emergency at 21 Ill. Reg. 16465, effective December 4, 1997; peremptory amendment at 21 emergency amendment at 20 III. Reg. 10213, effective July 15, 1996,

# DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

# NOTICE OF PEREMPTORY AMENDMENT

Section 310.APPENDIX A Negotiated Rates of Pay

Section 310 TABLE P RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)

Effective: July 1, 1997

				E-	D.		
	1	2	3	4		9	7
AGRICULTURAL PRODUCTS PROMOTER	2240	2336	2431	2522	2619	2768	2823
ANIMAL & ANIMAL PRODUCTS	2350	2449	2559	2656	2759	2919	2978
INVESTIGATOR							
APIARY INSPECTOR	1581	1632	1678	1735	1782	1874	1911
BREATH ALCOHOL ANALYSIS TECHNICIAN	2463	2570	2675	2784	2888	3060	3121
COMMODITIES INSPECTOR	1966	2037	2115	2189	2268	2394	2441
DANGEROUS DRUGS COMPLIANCE	2240	2336	2431	2522	2619	2768	2823
OFFICER I							
	2463	2570	2675	2784	2888	3060	.3121
II							
DANGEROUS DRUGS COMPLIANCE OFFICER III	2586	2704	2817	2934	3052	3232	3297
DRUG COMPLIANCE INVESTIGATOR	3575	3750	3926	4108	4281	4546	4637
	1966	2037	2115	2189	2268	2394	2441
INVESTIGATOR I							
ENVIRONMENTAL PROTECTION LEGAL	2148	2228	2321	2405	2497	2636	2688
INVESTIGATOR II							
EXPLOSIVES INSPECTOR I	2350	2449	2559	2656	2759	2919	2978
EXPLOSIVES INSPECTOR II	2717	2843	2962	3083	3208	3399	3467
FINGERPRINT TECHNICIAN	2148	2228	2321	2405	2497	2636	2688
FIRE PREVENTION INSPECTOR I	2463	2570	2675	2784	2888	3060	3121
FIRE PREVENTION INSPECTOR II	2866	2999	3135	3264	3394	3596	3668
GUARD I	1634	1688	1742	1793	1846	1937	1977
GUARD II	1814	1879	1950	2013	2082	2192	2236
GUARD III	2049	2124	2211	2293	2371	2504	2554
LICENSING ASSISTANT	1747	1809	1870	1931	1995	2102	2144
LICENSING INVESTIGATOR I	2049	2124	2211	2293	2371	2504	2554
LICENSING INVESTIGATOR II	2350	2449	2559	2656	2759	2919	2978
LICENSING INVESTIGATOR III	2463	2570	2675	2784	2888	3060	3121
LICENSING INVESTIGATOR IV	2717	2843	2962	3083	3208	3399	3467
LIQUOR CONTROL SPECIAL AGENT I	2240	2336	2431	2522	2619	2768	2823
MOTORIST ASSISTANCE SPECIALIST	1747	1809	1870	1931	1995	2102	2144
PLANT & PESTICIDE SPECIALIST I	2586	2704	2817	2934	3052	3232	3297
PLANT & PESTICIDE SPECIALIST II	2866	2999	3135	3264	3394	3596	3668
PLUMBING INSPECTOR	3028	3170	3317	3457	3602	3819	3895
POLYGRAPH EXAMINER I	2866	2999	3135	3264	3394	3596	3668
POLYGRAPH EXAMINER II	3197	3348	3506	3657	3808	4041	4121
POLYGRAPH EXAMINER III	3575	3750	3926	4108	4281	4546	4637
PRODUCTS & STANDARDS INSPECTOR	2350	2449	2559	2656	2759	2919	2978

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AMENDMENT	
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SECURITY OFFICER	2148	2228	2321	2405	2497	2636	2688
SECURITY OFFICER SERGEANT	2240	2336	2431	2522	2619	2768	2823
SEED ANALYST I	2049	2124	2211	2293	2371	2504	2554
SEED ANALYST II	2148	2228	2321	2405	2497	2636	2688
SITE SECURITY OFFICER	1814	1879	1950	2013	2082	2192	2236
TRUCK WEIGHING INSPECTOR	1966	2037	2115	2189	2268	2394	2441
VEHICLE COMPLIANCE INSPECTOR	2463	2570	2675	2784	2888	3060	3121
VEHICLE EMISSIONS COMPLIANCE	2148	2228	2321	2405	2497	2636	2688
INSPECTOR							
VITAL RECORDS QUALITY CONTROL	2148	2228	2321	2405	2497	2636	2688
INSPECTOR							
WAREHOUSE CLAIMS SPECIALIST	3028	3170	3317	3457	3602	3819	3895
WAREHOUSE EXAMINER I	2148	2228	2321	2405	2497	2636	2688
WAREHOUSE EXAMINER II	2463	2570	2675	2784	2888	3060	3121
WAREHOUSE EXAMINER III	2717	2843	2962	3083	3208	3399	3467
WELL INSPECTOR I	2350	2449	2559	2656	2759	2919	2978
WELL INSPECTOR II	2717	2843	2962	3083	3208	3399	3467

NOTE: Full-time employees who are receiving the flat-rate pension formula will receive a one-time lump sum payment of \$565.00.

# RC-029 Alternative Retirement Formula Schedule

#### Effective July 1, 1997

				Steps				
	7	2	က	4	2	9	7	
Arson Investigator I	2785	2902	3022	3144	3329	3396	3464	
Arson Investigator II	3089	3229	3362	3496	3704	3778	3853	
Commerce Commission	2785	2902	3022	3144	3329	3396	3464	
Police Officer I								
Commerce Commission	3089	3229	3362	3496	3704	3778	3853	
Police Officer II								
Police Officer I	2785	2902	3022	3144	3329	3396	3464	
Police Officer II	3089	3229	3362	3496	3704	3778	3853	
Police Officer III	3293	3448	3611	3767	3922	4162	4245	
Polygraph Examiner	3682	3863	4044	4231	4409	4682	4776	
III								

#### Effective: July 1, 1998

	7	2908	290		1968	215
	(5					
	_	2851			1930	
STEPS	5	2698	2842		1835	2975
S	4	2598	2736		1787	2868
	က	2504	2636		1728	2755
	2	2406	2522		1681	2647
	П	2307	2421		1628	2537
		Agricultural Products Promoter	Animal & Animal Products	Investigator	Apiary Inspector	Breath Alcohol Analysis Technician

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Commodities Inspector Bangerous-Brugs-Compliance	2025	2098 <del>2406</del>	2178	2255 <del>2598</del>	2336 <del>2698</del>	2466 <del>2851</del>	2514 2908	Specialist Well Inspector I Well Inspector It	2421	2522	2636	2736	2842	3007	3067	
Bangerous-Brugs-Compliance	2537	2647	2755	2868	2975	<del>3152</del>	3215	0 0 0 0 CHE		4 4	1 2	FOCE CATE CASE	* G	7 1	T. 10.00	
Bangerous-Drugs-Comptrance	2664	2785	<del>2</del> 96 <del>2</del>	3025	3144	6 <del>26</del> 6	9666	ce and have 3 or mor	of credi	table s	ervice	on Ste	7	in the	same	
Drug Compliance Investigator	3682	3863	4044	4231	4409		4776		To a							
Environmental Protection Legal	2212	2295	2391	2477	2572	2715	2769	RC-029 Alternative Retirement Formula Schedule	ve Retire	ment Fo	rmula	Schedul	le			
Environmental Protection Legal	2421	2522	2636	2736	2842	3007	3067	Effec	Effective: Ju	July 1, 1	1998					
Investigator II																
Explosives Inspector I	2421	2522	2636	2736	2842	3007	3067					STE	ЕРВ			
Explosives Inspector II	2799	2928	3051	3175	3304	3501	3571		1	2	٣	4	2	9	7	
Fingerprint Technician	2212	2295	2391	2477	2572	2715	2769	Arson Investigator I	2869	2989	3113	3238	3429	3498	3568	
Fire Prevention Inspector I	2537	2647	2755	2868	2975		3215	Arson Investigator II	3182	3326	3463	3601	3815	3891	3969	
Fire Prevention Inspector II	2952	3089	3229	3362	3496		3778	Commerce Commission	2869	2989	3113	3238	3429	3498	3568	
Guard I	1683	1739	1794	1847	1901		2036	Police Officer I								
Guard II	1868	1935	2009	2073	2144		2303	Commerce Commission	3182	3326	3463	3601	3815	3891	3969	
	2110	2188	2277	2362	2442		2631	Police Officer II								
Assistant	1799	1863	1926	1989	2055		2208	Police Officer I	2869	2989	3113	3238	3429	3498	3568	
Investigator	2110	2188	2277	2362	2442		2631	Police Officer II	3182	3326	3463	3601	3815	3891	3969	
Licensing Investigator II	2421	2522	2636	2736	2842		3067	Police Officer III	3392	3551	3719	3880	4040	4287	4372	
Licensing Investigator III	2537	2647	2755	2868	2975		3215	Polygraph Examiner III	3792	3979	4165	4358	4541	4822	4919	
Licensing Investigator IV	2799	2928	3051	3175	3304		3571									
Liquor Control Special Agent I	2307	2406	2504	2598	2698		2908							LONGEVITY	ITY	
	1799	1863	1926	1989	2055		2208					10	10 Yrs	13 Yrs	s 5 Yrs	
	2664	2785	2902	3022	3144	3329	3396					3618	00	3668	3718	
Plant & Pesticide Specialist II	2952	3089	3229	3362	3496		3778					4019	6	4069	4119	
Plumbing Inspector	3119	3265	3417	3561	3710		4012					3618	80	3668	3718	
Polygraph Examiner I	2952	3089	3229	3362	3496		3778					4019	6	4069	4119	
Polygraph Examiner II	3293	3448	3611	3767	3922		4245					3618	89	3668	3718	
Polygraph Examiner III	3682	3863	4044	4231	4409		4776					4019	6	4069	4119	
Products & Standards Inspector	2421	2522	2636	2736	2842		3067					4422	2	4472	4522	
	2212	2295	2391	2477	2572		2769					0000	0	0000	0000	
Security Officer Sergeant	2307	2406	2504	2598	2698		2908									
Seed Analyst I	2110	2188	2277	2362	2442		2631	Effec	Effective: Ju]	July 1, 1	1999					
seed Analyst 11	7177	5677	7337	1187	7/57		5/69									
Site Security Officer	1868	1935	2009	2073	2144		2303					STS	Д			
Truck Weighing Inspector	2025	2098	2178	2255	2336		2514		1	2	e	4	2	9	7	
Vehicle Compliance Inspector	2537	2647	2755	2868	2975	3152	3215	Agricultural Products Promoter	2376	2478	2579	2676	2779	2937	2995	
Vehicle Emissions Compliance	2212	2295	2391	2477	2572	2715	2769	Animal & Animal Products	2494	2598	2715	2818	2927	3097	3159	
Inspector								Investigator								
Vital Records Quality Control	2212	2295	2391	2477	2572	2715	2769	Apiary Inspector		1731	1780	1841	1890	1988	2027	
Inspector					,			Breath Alcohol Analysis Technician		2726	2838	2954	3064	3247	3311	
warehouse Claims Specialist	3119	3265	3417	3561	3710		4012	Commodities Inspector	2086	2161	2243	2323	2406	2540	2589	
Warehouse Examiner	2537	7 6 9 7	2755	2868	2767		3215		2710	2470	525	2676	5779	£662	5662	
warenouse Examiner	6617	2267	305T	31/5	3304	320T	35/I	0111001-1								

# DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

# NOTICE OF PEREMPTORY AMENDMENT

Dangerous-Brugs-Compliance	£6±9æ	5726	2838	2954	3964	3247	3311	
	2744	5969	6963	9449	9536	3429	9498	
Officer-III	2703	2070	4165	4250	15.41	4822	0101	
Ding Compilance investigator Environmental Protection Legal	2278	2364	2463	55	2649	2796	85	
Investigator I								
Environmental Protection Legal	2494	2598	2715	2818	2927	3097	3159	
	7070	0030	3776	0100	2002	2002	2150	
	7 0	ם כ	4 5	3 6	1 0	2000	7	
Explosives inspector in	2 0	2364	44	7 7	40	2796	, a	
Fingerprint recommends	7 5	2726	2 6	9 6	3064	3247	3 5	
	04	00	3326	46	3601	3815	3891	
I	73	1791	84	90	1958	2055	2097	
	92	1993	2069	2135	2208	2326	2372	
Guard III	2173	2254	2345	2433	2515	2656	2710	
Licensing Assistant	1853	1919	1984	04	2117	2230	2274	
Licensing Investigator I	17	2254	2345	2433	2515	2656	2710	
	2494	2598	71	2818	2927	3097	3159	
	61	2726	2838	2954	3064	3247	3311	
Licensing Investigator IV	2883	3016	14	27	3403	3606	3678	
Liquor Control Special Agent I	2376	2478	2579	2676	2779	2937	2995	
Motorist Assistance Specialist	1853	1919	98	2049	2117	2230	2274	
Plant & Pesticide Specialist I	2744	2869	2989	3113	3238	3429	3498	
Plant & Pesticide Specialist II	3041	3182	3326	3463	3601	3815	3891	
	3213	3363	3520	3668	3821	4052	4132	
Examiner	3041	3182	3326	3463	3601	3815	3891	
Polygraph Examiner II	3392	3551	3719	3880	4040	4287	4372	
Polygraph Examiner III	3792	3979	4165	35	4541	4822	4919	
	49	2598	71	2818	92	0	3159	
		2364	46	55	2649	2796	2852	
Security Officer Sergeant	37	2478	57	67	11	93	2995	
Seed Analyst I	2173	2254	34	2433	51	2656	2710	
Seed Analyst II	7	36	46	55	2649	79	2852	
Site Security Officer	1924	1993	90	13	2208	32	37	
Truck Weighing Inspector	08	10	24	32	Ō	2540	58	
Vehicle Compliance Inspector	2613	2726	2838	2954	3064	3247	3311	
Vehicle Emissions Compliance	2278	2364	2463	2551	2649	2796	2852	
Inspector								
Vital Records Quality Control	2278	2364	2463	2551	2649	2796	2852	
	3213	3363	3520	3668	3821	4052	4132	
Warehouse Examiner	2613	2726	2838	95	90	3247	31	
Warehouse Examiner	2883	3016	3143	3270	3403	3606	3678	
	0	000	7120	0.00	000	2000	0310	
Inspector	2494	2598	2/15	2787	1767	3030	3159	
Well Inspector II	5883	3016	3143	37/0	3403	3000	36/8	

# DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

ILLINOIS REGISTER

NOTICE OF PEREMPTORY AMENDMENT

# RC-029 Alternative Retirement Formula Schedule

#### Effective: July 1, 1999

Arson Investigator I Arson Investigator II Commerce Commission Police Officer I Commerce Commission Police Officer II Police Officer II	,	c	,		) L		-
	-	2	~	4	ດ	ٔ م	/
	2955	3079	3206	3332	3532	3603	3675
	3277	3426	3567	3709	3929	4008	4088
	2955	3079	3206	3332	3532	3603	3675
	3277	3426	3567	3709	3929	4008	4088
	2955	3079	3206	3335	3532	3603	3675
Police Officer II	3277	3426	3567	3709	3929	4008	4088
н	3494	3658	3831	3996	4161	4416	4503
III	3906	4098	4290	4489	4677	4967	2067
						LONGEVITY	ITY
				10	10 Yrs	13 Yr	13 Yrs 5 Yrs
				3725	25	3775	3825
				4138	38	4188	4238
				37	25	3775	3825
				41	38	4188	4238
				37:	25	3775	3825
				4138	38	4188	4238
				4553	53	4603	4653
				0000	00	0000	0000

(Source: Peremptory amendment 21 Ill. Reg. 15489, effective August 7, 1998)

# JOINT COMMITTEE ON ADMINISTRATIVE RULES

# ILLINOIS GENERAL ASSEMBLY

#### SECOND NOTICES RECEIVED

the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706. express their views with respect to a rule should submit written comments to Administrative Rules during the period of August 4, 1998 through August 10, 1998 and have been scheduled for review by the Committee at its August 18, 1998 or September 22, 1998 meetings in Chicago. Other items not contained in this following second notices were received by the Joint Committee wishing published list may also be considered. Members of the public

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
9/18/98	Department of Insurance, Revision of the Minimum Mortality Standards for Valuation of Annuity and Pure Endowment Contracts (50 Ill Adm Code 935)	5/22/98 22 Ill Reg 8658	8/18/8
9/23/98	Department of Revenue, Motor Fuel Tax (86 Ill Adm Code 500)	5/8/98 22 Ill Reg 7895	9/22/6

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ILLINOIS REGISTER

#### EXECUTIVE ORDER

# EXECUTIVE ORDER PERTAINING TO THE OFFICE OF LIEUTENANT GOVERNOR 98-004

law S.B. 1712, which provides that the statutory and delegated powers and duties of the Lieutenant Governor shall be assumed and exercised by either the Director of the Department of Central Management Services or a State employee Whereas, the Illinois General Assembly has enacted and I have signed into or director designated by the Governor during a vacancy in the office until January 11, 1999; and

agencies, departments and institutions to facilitate planning and the effective comprehensive State policy for rural development; and organizing an Annual Chairman of the Governor's Rural Affairs Council and the Council has the delivery of all programs and services for rural Illinois; formulating a serving as liaison among State boards, commissions, pursuant to Executive Order, the Lieutenant Governor is Report on the State of the Rural Illinois Economy; and duties: Whereas, following

Whereas, pursuant to executive Order, the Lieutenant Governor is the Governor's senior economic development advisor, responsible for coordinating programs and policies in the State of Illinois, as well as serving as the the establishment, implementation, and management of economic development Chairman of the Economic Development Coordinating Council; and

Advisory Committee was created within the Office of the Lieutenant Governor on which a member of the staff of the Lieutenant Governor serves as the Executive Director to coordinate the functions and report to the Lieutenant Governor; Whereas, pursuant to Executive Order, the Illinois Science nd

Executive Orders shall be assumed and exercised by either the Director of the Therefore, I, Jim Edgar, order that while the office of Lieutenant Governor is vacant, and until January 11, 1999, all powers or duties that would otherwise be wielded by the Lieutenant Governor under the provisions of Department of Agriculture or the Director of the Department of Commerce and Community Affairs; and, I, furthermore, specifically order the following:

incumbent therein to act as a liaison between the Governor's Rural Affairs 1. The Chairmanship of the Governor's Rural Affairs Council and the duties Council and the various State agencies and commissions, to formulate a to facilitate planning and the effective delivery of all State services to rural Illinois as provided under Executive Order Number 7 (1986) shall be assumed and comprehensive State policy for rural development; and, exercised by the Director of the Department of Agriculture.

Report on the state of the Rural Illinois Economy in cooperation with the 2. The Director of the Department of Agriculture shall organize the Annual Institute for Rural Affairs of Western Illinois University, as provided for under Executive Order Number 13 (1991).

all the duties incumbent therein, as well as the responsibility of acting as The Chairmanship of the Economic Development Coordinating Council and the Governor's senior economic development advisor as provided for under Executive Order Number 1 (1995) shall be assumed and exercised by the Director of the Department of Commerce and Community Affairs.

The Director of the Department of Commerce and Community Affairs shall Committee and may designate a person from his staff to serve as the assume responsibility for the Illinois Science and Technology Advisory

Number Executive Director thereof as provided for under Executive Order

Filed with the Secretary of State - June 30, 1998 Issued by the Governor - June 30, 1998

ILLINOIS REGISTER

#### PROCLAMATIONS

#### MARK H. AYERS DAY 98-352

Whereas, Mark H. Ayers is the son of John and Daunie Taylor, with one brother, Kent, two daughters, Aimee and Tami, and one granddaughter, Carlee;

Whereas, Mark Ayers graduated from Canton Senior High School in 1967, and went on to serve in the United States Navy; and

Whereas, he graduated from Local 34's Apprenticeship in 1976 and later served as Treasurer of Local 34, 1977-1983; Business Representative, 1979-1980; Assistant Business Manager, 1980-1988; and Business Manager of Local 34, 1989-April 1998; and

Secretary/Treasurer of the Illinois State Conference of has held positions in many organizations including IBEW and Chairman of the NECA-IBEW Labor/Management Committee; and Executive Board and Whereas, he

conducting a policy study for the State Board of Education, serving as a member of the Governor's Task Force on Human Resource Development, and serving as a Whereas, Mark Ayers has been involved with state government including member of the Governor's School To Work Task Force; and Whereas, Mark has had other civic involvement as an East Peoria Planning Commission member, a member of the East Peoria Enterprise Zone Committee, Board of Directors Member for the Central Illinois Chapter of the American Red Cross, and a Panel IV Member for the Heart of Illinois United Way; and

Whereas, through all his endeavors, Mark has had the understanding and support of Debbie; and

Whereas, beginning May 1, 1998, Mark serves as an International Representative for the International Brotherhood of Electrical Workers in Washington, DC;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim May 27, 1998, as MARK H. AYERS DAY in Illinois.

Filed by the Secretary of State June 12, 1998. Issued by the Governor May 26, 1998.

## AMERICAN PROFESSIONAL SOCIETY ON THE ABUSE OF CHILDREN DAY 98-353

Whereas, the American Professional Society on the Abuse of Children (APSAC), in recognition of their 6th Annual National Colloquium, is to be held July 8-12, 1998, at the Hyatt Regency on the Riverwalk in Chicago; and

it is anticipated that more than 1,000 child maltreatment professionals from throughout the country will attend the conference; and Whereas,

Whereas, APSAC was founded in 1987 as a national interdisciplinary not-for-profit membership organization whose mission is to ensure that everyone child maltreatment receives the best possible professional ρλ response; and

the identification, intervention, treatment and prevention of child abuse and Whereas, APSAC seeks to promote effective interdisciplinary approaches neglect; and

has approximately 5,000 members who are physicians, Whereas, APSAC

#### PROCLAMATIONS

researchers, law enforcement personnel, psychologists and professionals in lawyers, child protective services and mental health workers, educators, allied disciplines in the field of child abuse and neglect; and

that provides high-quality, interdisciplinary sessions addressing the most cutting edge issues in the complex field of child abuse and neglect; Whereas, the Colloquium is a premier educational and training

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim July 8, 1998, as AMERICAN PROFESSIONAL SOCIETY ON THE ABUSE OF CHILDREN DAY in

Issued by the Governor June 4, 1998. Filed by the Secretary of State June 12, 1998.

# PHILIPPINE 100 YEARS INDEPENDENCE DAY

Whereas, the Filipino American community in Illinois is celebrating a

Whereas, the Filipino American community is sharing with people from all milestone in the history of the Philippines; and

over the world the celebration of the 100 years of Philippine Independence from colonial rule; and

strength and cohesiveness of the people and the energy of the Filipino spirit; Whereas, the commemoration of 100 years of freedom demonstrates

onr Whereas, the achievements of Filipino Americans have contributed to nation's social, economic, and political progress;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim June 12, 1998, as PHILIPPINE 100 YEARS INDEPENDENCE DAY in Illinois.

Filed by the Secretary of State June 12, 1998. Issued by the governor June 4, 1998.

#### CHURCHES OF CHRIST WEEK

Whereas, Churches of Christ are located worldwide and have almost three million members; and

Churches of Christ, residents of Illinois have been offered uplifting messages and spiritual guidance; and Whereas, through the efforts of the

have sponsored disaster relief drives, community youth activities, and programs dealing with issues like illiteracy, child abuse and clothing the needy; and Whereas, Churches of Christ

Whereas, Churches of Christ also offer Christian education, prison reform programs, gang prevention programs and healthcare;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim August 16-21, 1998, as CHURCHES OF CHRIST WEEK in Illinois and commend the members of these churches for their efforts to help others.

Issued by the Governor June 8, 1998.

Filed by the Secretary of State June 12, 1998.

#### ILLINOIS REGISTER

#### PROCLAMATIONS

#### FLAG DAY

WHEREAS, by act of Congress of the United States, dated June 14, 1777, the first official flag of the United States was adopted; and

issue annually WHEREAS, by act of Congress, dated August 3, 1949, June 14th of each to Congress has requested the President was designated National Flag Day; and

proclamation designating the week in which June 14 occurs as National Flag WHEREAS, the blue field of the flag is indicative of God's heaven under

WHEREAS, the stars of the flag are clustered together, unifying 50 states which it flies; and

as one, for God and country; and

of WHEREAS, the red stripes symbolize the blood spilled in defense glorious nation; and

WHEREAS, the white stripes signify the burning tears shed by Americans who lost their children in war; and

WHEREAS, the flag has flown through peace and war, strife and prosperity; and amidst it all, it has been respected; and

stands for our country's devotion to freedom, to the rule of WHEREAS, Flag Day celebrates our nation's symbol of unity, a democracy republic, and

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim June 14, 1998, as FLAG DAY in Illinois. all, and to equal rights for all;

Issued by the Governor June 8, 1998.

Filed by the Secretary of State June 12, 1998.

#### U.S. TEAM SAILS ACROSS RUSSIA DAY 98-357

WHEREAS, a flotilla of three yachts sailing under U.S. flags will leave WHEREBAS, on June 27th, the U.S. sailing team will attend from Gdansk, Poland, the Millennium City, for St. Petersburg; and

WHEREAS, first-time Chicago-based American yachts will sail the largest International Maritime Festival "Blue Onego'98" in Petrozavodsk; and

WHEREAS, for the first time in history, the American yachts will be moored river in Europe, the Volga River in Russia; and

WHEREAS, the Captain Piotrowski's Polish Sailing Center in Chicago at the Kremlin-the world renowned symbol of Russia; and

organized this remarkable sailing journey to open the waterways of Great Russia THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim June to American and international yachtsmen;

14, 1998, as U.S. TEAM SAILS ACROSS RUSSIA DAY in Illinois.

Issued by the Governor June 8, 1998.

Filed by the Secretary of State June 12, 1998.

# CARBONDALE STATE CHAMPIONSHIP BARBEQUE COOKOFF DAYS

#### PROCLAMATIONS

WHEREAS, the First Cellular's Main Street Pig Out Barbeque Cookoff will be hosted by Carbondale Main Street, an Illinois Main Street Community, in Carbondale, Illinois, on Friday, September 18 and Saturday, September 19, 1998; WHEREAS, the First Cellular's Main Street Pig Out encourages partnerships between the City of Carbondale, the Carbondale Park District, Carbondale Chamber of Commerce, Southern Illinois University, Carbondale Convention & Tourism, businesses of Downtown Carbondale, several corporate sponsors, and over 300 private citizens serving as volunteers; and

WHEREAS, last year's Pig Out drew 10,000 people to Downtown Carbondale to enjoy excellent food, outstanding music, and a variety of family and children activities;

of the State of Illinois, proclaim September 18-19, 1998, as CARBONDALE STATE CHAMPIONSHIP BARBEQUE COOKOFF DAYS THEREFORE, I, Jim Edgar, Governor in Illinois.

Filed by the Secretary of State June 12, 1998 Issued by the Governor June 9, 1998.

#### FATHER'S DAY

invaluable service to labor, industry, commerce and every field of endeavor which is necessary for the family, community, public welfare and the prosperity and health of a nation; and fathers render

to the father in the home as a dedicated partner in guiding children and inspiring in them the importance of morals and ethics and the fundamental laws which govern relationships among all people and to impress upon them the value of all the civic involvement and family responsibility which are the requisites of good American citizenship; and we look

WHEREAS, it is appropriate that we designate one day in the year to pay tribute to the father as a responsible leader of the family in American

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim June 21, 1998, as FATHER'S DAY in Illinois.

Issued by the Governor June 9, 1998.

Filed by the Secretary June 12, 1998.

# MICHELLE AND CHRIS CINGRANI DAY

WHEREAS, Michelle Storm and Chris Cingrani will exchange wedding vows on June 20, 1998, at St. Mark Lutheran Church in Sioux City, IA; and

WHEREAS, family and friends will gather at Dakota Dunes Country Club for a reception following the wedding service; and

Michelle grew up in Sioux City and Chris lived for many years in Morris, IL; WHEREAS, Michelle and Chris currently reside in Overland Park,

WHEREAS, Michelle works as Advancement Coordinator at Kingswood Retirement Community and Chris is employed at Dean Witter as Account Executive in

ILLINOIS REGISTER

PROCLAMATIONS

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investments, both in Kansas City, MO; and

WHEREAS, Michelle and Chris met at Drake University, where they both graduated from the School of Journalism and Mass Communications with degrees in public relations, Michelle in 1996 and Chris in 1997; and

keeping WHEREAS, while at Drake, Michelle and Chris were instrumental in the Sigma Chi and Kappa Alpha Theta vortexes spinning at all times;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim June 20, 1998, as MICHELLE AND CHRIS CINGRANI DAY in Illinois, and wish them a lifetime of happiness together.

Issued by the Governor June 9, 1998.

Filed by the Secretary of State June 12, 1998.

ales acted upon duri	Rules acted upon during the quarter of April 1 through July 31, 1998 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 III. Adm. Code 4401 published in Issue 40 will be listed as 50-4401-40. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed	Rules acted upon during the quarter of April 1 through July 31, 1998 are listed in the Issues Index	sues Index by Title number,	89-686-19 20 33	73.50.70	30 140 30	
iles acted upon duri irt number and Issu int.40. The letter "	ng the quarter of April 1 miora e number. For example, 50 III R" designates a rule that is be	Subury or, 100 are more mines		CC.U.T. CT. DOD_CO	47-0C-C7	38-140-29	80-3000-28
01-40 The letter "	R" designates a rule that is ber	. Adm. Code 4401 published in Is	sue 40 will be listed as 50-	89-716R-19	23-150R-29	38-160-30	83-416-23
		4401-40. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed	sues Index may be directed	89-4201-26	23-151-29	38-300-33	83-505-23
the Administrative	Code Division at 217-782-441	to the Administrative Code Division at 217-782-4414 or jnatale@ccgate.sos.state.il.us (Internet address).	(Internet address).	92-107-24	23-160-30	38-356-33	83-506-23
		01 2000	82 150-26	92-1/1-24	23-170K-29	38-392-33	83-600-58
PROPOSED	35-580-17	50-4425-18	83-595-77	92-172-24	23-252-18	44-750-23	83-757-21
8-238-26	35-703-24	59-300-20	83-745-26	92-177-24	23-275-29	44-1300-34	86-130-28
8-1400-34	35-721-24	59-104-33	86-100-17	92-178-24	23-451-18	50-806-34	86-495-28
11-/19-32	35-121-24	59-115-33	86-130-33	92-179-24	23-2700-26	50-936-34	86-500-33
11-1//0-31	35-72-24	50-132-33	86-150-33	92-180-24	23-2720-26	50-4401-34	86-516-25
4-140-30	35-727-25	59,119-17 31	86-500-18,19,20	92-1060-31	23-2730-26	50-4402-34	86-517-25
4-483-19	35-124-24	50-120-28	86-530-18		23-2733-26	50-4404-20	86-670-33
17-110-71	35-123-24	62-240-27	86-670-18	ADOPTED	23-2735-26	50-4405-34	86-680-33
17-010-7	35-720-24	68-1710-73	86-680-18	1-100-27	23-2736-26	50-4415-19	86-750-25
7-525-34	35-720-24	68-1245-29	86-3000-17.22	2-570-29	23-2755-26	50-4435-24	86-760-33
17-230-71	33-730-24	69-1050-18	89-10-28	2-961-32	23-2760-26	59-115-20	86-3000-24
7-550-20	35 930 37	69-1283-18	89-14-26	2-6000-23	23-2761-26	59-119-19	89-112-32.33
7-5/0-20	33-630-27	68 1300-21	89-20-31	8-3-78	32-2920-80	59-121-19	89-113-30
7-590-21	12-169-56	68 1330 10	80-50-79	8-270-27	73-7764-76	62-240-20 21	89-120-20
7-680-21	35-885-25	00-1330-19	92-50-27	172-0-2	22-5372-52	62-300-20	89-121-19
7-690-20	38-300-20	08-13/0-31	80 113-22 26 27	11-204-32	23-20/22-22	75-1056-59	80-140-24
7-710-31	38-356-20	08-1380-24	78	20-503-11	22-1/12-62	12-1002-29 20-00-09	80-144-22
7-715-20	38-360-31	08-1455K-31		11 1730 23	33 330 33	68 1150 34	80 148 27
7-720-20	38-392-20	68-1455-31	69-113-20,27	14 135 23	32-330-32 33 430B 34	68 1220 24	17-941-69
7-730-20	38-900-20	68-1456-21	69-114-27	14-133-23	32-420K-24	68 1330 34	80 302 17 21
7-740-20	41-170-21	68-1465-31	88-130-22 38	14-510-24	32-425-24 32-610R-23	68-1245-24	89-309-71
7-880-21	44-1K-20	/1-100-31		14.550.24	35-183R-31	68-1252-24 34	89-401-74
7-1050-34	44-1-20	77 230 30	20,112,30	17-110-33	35-190R-31	68-1275-24	89-679-24
17-2010-21	44-10-22	7 - 350-30	80 140 18 31	17-130-29	35-105B-31	68-1286-24	92-441-28
7-3025-21	44-525R-25	77-340-30	00 144 21	17 510 33	16-NC61-CC	68 1375 20	02 443 34
20-720-21	44-526-25	7 -330-30	00 146 30	17 530 23	345 211 27	68 1500 34	00 541.00
20-1235-18	44-610-33	1/-390-30	65-140-29	55-055-71	12-112-55	71 40 33	87-1+6-76
20-1780-32	44-650-23	77-661-20	89-148-20,29,33	1/-550-53	35-213-2/	71-40-23	07-0101-76
23-1-23	44-660-23	77-690-34	89-149-29	1/-5/0-33	33-218-31	77-502-77	17-0701-76
23-25-29	44-910R-31	77-692-32	89-153-19,29	17-650-19	35-220-28	77-250-22	92-1040-30
23-56-23	44-910-31	77-830-34	89-165-26	17-660-19	35-240-30	77-280R-24	
23-145-19	44-950-31	77-1100-22	89-140-26	17-670-19	35-310-27	77-280-24	EMERGENCY
23-260-29	44-980-31	77-1110-22	89-240-24	17-680-33	35-367-34	77-465-31	23-56-23
23-575-23	44-1120-22	77-2030-28	89-300-19	17-690-33	35-368-34	77-510-18	23-575-23
26-201-19	44-1400-19	77-2055R-22	89-302-18	17-715-33	35-703-18	77-515-28	32-370-33
26-202-19	44-1500-29	77-2090-28	89-305R-19	17-720-33	35-720-18	77-518-30	38-360-29
207-02	44-1600-29	77-2200-32	89-315-19	17-730-33	35-721-18	77-591-32	44-1R-29
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